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U.S. POLICY AND THE CONFLICT IN THE  
WESTERN SAHARA

GOVERNMENT

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HEARINGS  
BEFORE THE  
SUBCOMMITTEES ON AFRICA  
AND ON  
INTERNATIONAL ORGANIZATIONS  
OF THE  
COMMITTEE ON  
FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES  
NINETY-SIXTH CONGRESS  
FIRST SESSION

JULY 23 AND 24, 1979

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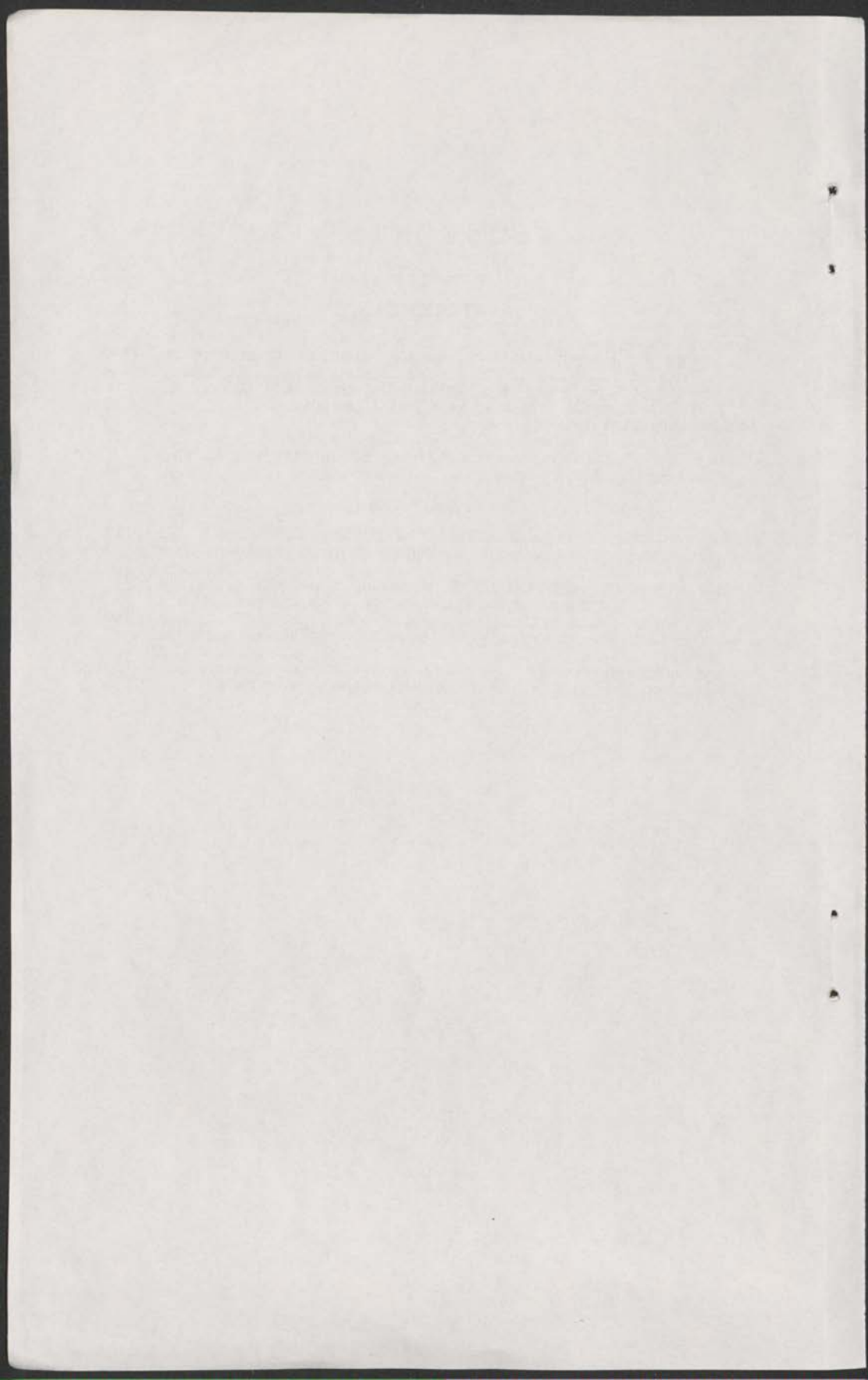
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## U.S. POLICY AND THE CONFLICT IN THE WESTERN SAHARA

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MONDAY, JULY 23, 1979

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEES ON AFRICA AND ON  
INTERNATIONAL ORGANIZATIONS,  
*Washington, D.C.*

The subcommittees met at 2:30 p.m. in room 2255, Rayburn House Office Building, Hon Stephen J. Solarz (chairman of the Subcommittee on Africa) presiding.

Mr. SOLARZ. The hearing of the Subcommittee on Africa and the Subcommittee on International Organizations is hereby called to order.

Today the two subcommittees will begin joint hearings on one of the most important and perplexing issues confronting Africa. I might note parenthetically that this is an issue with respect to which relatively little attention has been paid in Congress, the importance of the issue notwithstanding. So it seems entirely appropriate at this time for our two subcommittees, which have jurisdictions over our foreign policy in that part of the world, to begin the process of taking a much closer look at what is going on in the area with a view to trying to make some judgments about the relevance of developments there for American foreign policy.

The current military struggle in the western Sahara between the Polisario independence movement backed by Algeria, Libya, Morocco, and Mauritania poses the question of whether or not a people has achieved self-determination in accordance with prevailing international standards. It also presents a major threat to peace and political stability in Northern Africa and contains serious implications for U.S. international diplomacy in the Middle East and Africa.

As the conflict has intensified in recent months, it has become an object of urgent diplomatic concern. Our French and Spanish allies have become increasingly active in efforts to achieve a peaceful settlement. Last week the Organization of African Unity summit endorsed a plan for a cease-fire and an internationally supervised referendum to resolve the status of the western Sahara.

At a moment when the international community is considering various approaches to this serious problem, it is both appropriate and, I think, desirable that Congress reexamine U.S. policy toward the western Sahara and its relation to U.S. interests in Africa and the Middle East.

Let me say at the outset that I have not yet arrived at a personal position on this matter and I am approaching these hearings with an open mind. I believe that the same is true for other members of the



subcommittees. Having followed the issue as a member of the Africa Subcommittee I have been impressed by its complexity and the resulting need for caution and subtlety in policymaking. Yet I am also convinced that our policy at this critical juncture must be a clear and coherent one with a firm basis in both U.S. national interest and knowledge of local and international circumstances.

As part of a further effort to inform myself and my colleagues about this urgent issue, I will travel to Algeria, Morocco, Mauritania, and Spain during the upcoming congressional recess to talk with government leaders and other informed observers of various political persuasions about the situation in that part of a troubled world.

U.S. interests in the conflict go beyond questions of self-determination and international law. The Moroccan monarchy has been traditionally friendly to the United States. It permits our 6th Fleet to call at its ports, has encouraged the Israeli-Egyptian peace proposal, quietly sent troops to help preserve Western interests in Zaire's Shaba Province and has acted as a moderate force in various international forums.

On the other hand, Algeria, with its strongly nationalist leadership, has become a major supplier of oil and gas to the United States and a major market for U.S. exports. There is recent evidence that its human rights record is improving. While its general stance in African and Third World forums is one of militance, its international prominence and growing pragmatism have encouraged increased U.S. diplomatic attention.

War between Algeria and Morocco, which is a clear and present danger, could draw the United States into a serious confrontation with the Soviet Union, which is Algeria's primary military supplier. Finally, the emerging positions of our allies and the OAU must inevitably affect the way we define our interests in the western Sahara.

We are very glad to have our distinguished witnesses with us today and look forward to being enlightened by them. George Houser, who is accompanied by Richard Knight, represents the American Committee on Africa, one of the leading organizations concerned with African liberation. Both Mr. Houser and Mr. Knight have recently traveled in Polisario-controlled areas.

Prof. Anne Lippert, of Ohio Northern University, has been active in the Western Sahara Support Committee. She has written several articles on the conflict and has just returned from a visit to the area.

Prof. William Zartman teaches politics at New York University. Professor Zartman is an expert on both North African politics and international negotiations. He is the author of several books on these subjects and is associated with the 1980's project of the Council on Foreign Relations.

Prof. Robert Mortimer, of the Department of Political Science at Haverford University, who has written widely on North Africa, is unable to be with us today due to a change in the hearing schedule. However his statement will be included in the record.<sup>1</sup>

Let me suggest that we temporarily recess now because there is a vote in progress. When we return we will ask Mr. Houser, to begin. I know that each of you has prepared a lengthy statement, but in the interest of time I will ask each witness to confine his initial presentation to no more than 10 minutes. This will provide the committee with a maximum amount of time to engage in questions with you.

<sup>1</sup> See appendix 3, p. 140, for Professor Mortimer's statement.



Your full statements will be inserted as written in the record. Each member of the committee will undoubtedly read them. So if you can prepare to summarize your testimony, when we return I think we will begin with Mr. Houser. The hearing will recess.

[A brief recess was taken.]

Mr. SOLARZ. The hearing is called to order. We will commence the formal testimony by asking Mr. Houser, representing the American Committee on Africa, to begin. Mr. Houser, you have 10 minutes in which to give us the benefit of your wisdom.

**STATEMENT OF GEORGE M. HOUSER, EXECUTIVE DIRECTOR,  
AMERICAN COMMITTEE ON AFRICA**

Mr. HOUSER. Thank you, Mr. Chairman. I am glad for the opportunity of the 10 minutes, knowing that the full testimony is available and that there may be some questions.

I should say that I and my colleague, Richard Knight, are associated, as you have noted, with the American Committee on Africa, which has been working in the field of African-American relations for the last 26 years. We have had contact with virtually every movement on the African Continent covering that period of time. Our contact with the Polisario is perhaps the most recent of the movements that we have had some relationship with.

Both of us were exceedingly grateful for our recent trips there, Richard Knight being there during the last part of February and up to the middle of March and I was there during a good part of May.

Probably the best thing that I can do in the few moments that are available here is to make some comments on what I saw, because actual experience is more meaningful than simply theoretical knowledge.

I should say for myself that one of the reasons I was so anxious to visit the area was precisely to see on the ground what I had had discussions about and what I had read about. As anyone who has traveled knows, you always get a different view when you are on the spot.

Having said that, I would like to say, just by way of introduction, that the general position which the American Committee on Africa has taken on the western Sahara is that the process of decolonization never really took place. It is not necessary nor is there time to go into it but I just want to establish the position which we take.

We look upon the Polisario as the liberation movement struggling for the independence and the freedom of the Sahara people in the western Sahara, and at the present time, unfortunately, Morocco and Mauritania are occupying powers, and the tripartite agreement among Spain, Morocco, and Mauritania was a most unfortunate mistake.

The liberation struggle will continue, there is no doubt in my mind, as long as the forces of Morocco and Mauritania are there, and this is what must be taken into account in terms of U.S. policy.

Now regarding Polisario, as I mentioned, I have personally had contact over the last more than 25 years with liberation movements all over the African Continent. I can say, on the basis of what I saw in the several weeks I was there in May, that the Polisario ranks right up with the best of the movements. That is, the best organized, the clearest in their approach and what they are trying to accomplish. They know where they are going and how they are getting there.

Let me back that up by just referring to two portions of my own experience. I spent approximately 1 week of the time visiting the refugee camps located near Tindouf, in the western reaches of Algeria, where there are 23 different camps. They are divided according to the geographical arrangement within the western Sahara itself.

The three provinces of the western Sahara are called wilayas. The districts within the provinces are called dairas. So there are three wilayas divided into 23 district camps called dairas.

This, I think, is one indication of the organization because if you are talking with a person in, say, the दौर of Tishlah in the wilaya of Dakla in the camp in Algeria, that person comes from the district of Tishlah in the southern part of western Sahara just north of the border with Mauritania. This organization applies in all the camps.

The camps are exceedingly well organized with five essential functional committees administered by the people themselves. That is, you do not find personnel from outside, not Algerians, and it is in Algeria, not U.N. personnel, not international technicians. There are assistants from outside, yes; administrative authority from only Polisario. They run it themselves.

The people are divided into committees dealing with what makes up the needs of people in a community, because these are neighborhood communities.

The people of the western Sahara at the present time are in these camps in Algeria; they are not inside the home territory. They had to flee the territory because of the bombing attacks of the Moroccans and the Mauritians when the occupation began at the end of 1975 and early 1976.

The functional committees deal with health, education, the problems of distribution of food and clothing, the question of justice, keeping some form of legal procedure going, handicraft, making the tents, and so forth. The system of organization with these responsibilities divided among the people is very impressive. Schools, hospitals, all of the functions which make up community life and national life are located in these camps. When we talk about camps, we are talking about tent communities which house the families in the desert.

The second part of my experience was in the western Sahara itself. I spent a little more than a week traveling by land rover with our Polisario friends all the way from Algeria as far as the Atlantic—we couldn't go any further—and then back again. Now, we went through the heart of the supposed Moroccan-occupied areas of the country. The key area would be the phosphate deposit region near Bu Craa, south of El Aaiun, the capital.

If there was to be any interference, if Morocco was really running the show, if they had the country under control, we should have been sitting ducks. We traveled sometimes at night, but more frequently we traveled during the day, when we would be highly visible. We saw some Moroccan planes from time to time high in the sky but there was no evidence at all of any Moroccan troops.

During that period, I visited two of the towns which had recently been taken from Moroccan occupying forces—Tifariti and Amgala. I saw something of the debris of battle which had taken place. And incidentally I was taken to some of the downed planes—the American F-5, for example, which Morocco, despite the agreement with the United States, is using in the western Sahara—and I took photo-



graphs and Richard Knight has other photographs, pointing out very clearly that this is U.S. equipment being used, and this is something certainly which must be taken into account.<sup>1</sup>

I could obviously say a great deal more, but I have almost used up my time. I want to make one final point, Mr. Chairman, and that is that the United States is in a very dangerous position, as you have pointed out. The official policy is neutrality, but when you have a war situation taking place and a government is helping one side in that war, it cannot be interpreted as neutrality.

In spite of the fact that the 1960 agreement between the United States and Morocco is that U.S. equipment will not be used in the western Sahara, it is being used. This is not a secret. It has been seen by a number who have visited there, including ourselves. It is also attested to even by a spokesman for the U.S. State Department.

Consequently the United States is not really pursuing a policy of neutrality and, in my judgment, is backing up the Moroccans in an adventure which they cannot win.

You cannot say that Polisario is a nonindependent entity. Algeria has not created this conflict. They may be glad for it for some reason or another. Maybe somebody else is glad for it for one reason or another. That is not the point.

The point is that the people of the western Sahara want freedom and independence for their country. They are organized to get it with amazing clarity in their ideological approach and in their military and in their community organization in the camps on the one hand and on the inside of the western Sahara on the other.

I will not try to cite any more at this point; there isn't time. But the military assistance which the United States is giving to Morocco is not helping to stabilize the area, but is continuing the destabilization process. Thank you.

---

<sup>1</sup> The photographs referred to are on file in committee office.

[Mr. Houser's prepared statement follows:]

PREPARED STATEMENT OF GEORGE M. HOUSER, EXECUTIVE DIRECTOR,

I want to thank the Subcommittee on Africa for the opportunity to express our views on the question of Western Sahara. The American Committee on Africa was founded in 1953 to support independence and majority rule on the continent. We have thus had a unique opportunity to observe events in Africa for more than a quarter of a century. The testimony I would like to present to you today is based upon my own personal experience with the Polisario and that of my colleague Richard Knight. He visited the Western Sahara in March of this year and more recently I spent two weeks in May studying the situation in the country first hand. We both visited the refugee camps in Algeria where a large number of Saharawi are exiled and also traveled with the Polisario inside Western Sahara. We witnessed actual combat and were able to observe the ravages of previous battles. As far as I know, I was the first American to travel with Polisario forces all the way to the Atlantic by Land Rover.

The Western Sahara

Located in northwest Africa, Western Sahara is about 110,000 square miles in area, or somewhat larger than the state of Colorado. In the north it is bordered by Morocco and Algeria and in the south by Mauritania.

The population of Western Sahara has been displaced by the war now in progress for control of the territory and many now live as refugees in neighboring Algeria. The actual size of the population is the subject of some dispute. Spanish officials in 1974 estimated the country's total population to be about 75,000, a figure that is certainly too low. From my past experience I know that the colonial powers have often under-estimated African populations. For example, after independence Portuguese estimates of the population of Mozambique proved to be about 2,000,000 low following a vaccination campaign by WHO which brought the estimate to over 11,000,000. The Spanish, of course, also excluded from their figure those who were already refugees from the Western Sahara. Polisario estimates the total population to be approximately 750,000.

Rich phosphate deposits exist in the Bu Craa region of Western Sahara, just 58 miles from the coast. Because of repeated Polisario attacks production has been virtually nil, although sophisticated mining equipment and a conveyor belt to the coast are already in place. These deposits alone could provide the basis for a national economy and the foreign exchange so necessary to bring development to this desert region. Moreover, in addition to phosphates, there are thought to be exploitable deposits of oil and several minerals including iron.

The Essential Issues

As regards Polisario and Western Sahara, three essential points must be made:



\* Sixteen African countries recognize the Polisario-formed government of the Saharawi Arab Democratic Republic and more than ten others recognize Polisario as the legitimate representative of the Saharawi people. Neither the United Nations nor the Organization of African Unity recognizes the annexation of Western Sahara by Morocco and Mauritania.

\* Polisario is a popularly supported, democratic movement which has clearly proved its capacity to organize the people of Western Sahara and to provide them with all the services expected of a national government.

\* Polisario is on the offensive in the war in Western Sahara and operates in virtually the entire territory.

#### The International Aspect

The issue of Western Sahara is clearly one of decolonization and the right of the Saharawi people to self-determination.

Morocco justifies its occupation of Western Sahara with claims that ties existed between the sultans of Morocco and certain Saharan tribes prior to Spanish colonization. However, the International Court of Justice found in an advisory opinion in 1975 "that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco."

Further, it should be noted that a basic principle of decolonization in Africa is respect for colonial borders, irrespective of pre-colonial divisions. Indeed, were this not the case, most African countries could claim parts of other African countries on the basis of pre-colonial ties. Spain colonized Western Sahara in 1884 and its mandate was recognized by the Congress of Berlin (1884-1885). Thus there is no reason why this principle should not be applied in the case of Western Sahara as well.

There is no justification for the annexation of Western Sahara by Morocco and Mauritania without the consent of the Saharawi people. One possible way for Spain to have dealt with the territorial claims of the two countries would have been to sponsor a plebiscite. Instead, it signed the tripartite Madrid Agreement that divided the country between Morocco and Mauritania without even consulting the people of Western Sahara. By mid-1975, it was clear to observers that Morocco would have lost such a plebiscite. A United Nations Mission to the area in May 1975 dramatized this fact. I quote: "At every place

visited, the Mission was met by mass political demonstrations and had numerous private meetings with representatives of every section of the Saharan community. From all of these, it became evident to the Mission that there was an overwhelming consensus among the Saharans within the territory in favor of independence and opposing integration with any neighboring country." The Mission, which consisted of Iran, Ivory Coast and Cuba, unanimously concluded that within the territory the population was "categorically for independence and against the territorial claims of Morocco and Mauritania." The Mission also found that Polisario was the dominant political force.

Yet it was after the release of the UN Mission's report and after the findings of the International Court were made public that Morocco entered into its military occupation of the Western Sahara.

The "Green March" of November 1975, which Morocco describes as "peaceful" was little more than an international political propaganda ploy that was backed by thousands of Moroccan troops. With Franco on his deathbed, a politically divided Spain signed the Madrid Agreement that divided Western Sahara between Morocco and Mauritania.

Following the entrance of the Moroccan and Mauritanian armies into Western Sahara in late 1975 and early 1976, thousands of Saharawi fled to refugee camps in Algeria. Perhaps there are as many as 100,000 Saharawi refugees, or maybe only half that number. It is difficult to get an accurate count. But in a sense it doesn't matter. There are tens of thousands of Saharawi people who have been forced out of their homes in Western Sahara by bombing attacks and the occupation forces of Morocco and Mauritania.

Polisario, which began its military resistance to Spanish colonialism in 1973, declared the Madrid Agreement void. Polisario has continued the fight for independence for its country.

The issue of Western Sahara is a sensitive one for the Organization of African Unity because it involves several member-states and the crucial issue of self-determination. However, the OAU position has been that the right of self-determination has not been exercised. Even Mauritania takes this view. Only Morocco claims that self-determination has been exercised.

The OAU set up a committee to study the question of Western Sahara and to report its findings at the OAU meeting in Liberia now in session. No details were available at the time this testimony was prepared.

There has been some suggestion of an internationally sponsored referendum. I do not know if at this late date this is a workable approach.

The Mauritanian position was stated in a letter dated May 23, 1979 to the Secretary General of the United Nations. The letter says that "Mauritania is prepared to study ways and means of achieving self-determination in Sahara" and that "Mauritania remains in favor of the dialogue with Polisario with a view to achieving the practical implementation of the principle of self-determination."

Following the coup in July 1978 in Mauritania, Polisario unilaterally declared a cease-fire with regards to that country. Since that time there have been numerous meetings between Polisario and Mauritania. However, Mauritania has not yet ended its military occupation of Western Sahara. As a result, Polisario has recently announced that it considers the cease-fire void, but reaffirmed its desire for a negotiated settlement.

Polisario has specifically laid out a four point platform which it sees as the basis for a settlement. They are: 1) The withdrawal of all foreign troops 2) Formal recognition by Morocco and Mauritania of the national sovereignty of the Saharawi people in the frontiers of the Saharawi Arab Democratic Republic 3) Formal and sincere adherence of Morocco and Mauritania to the principles of non-recourse to violence in the settlement of differences over frontiers with the Saharawi Arab Democratic Republic, and the principle of friendship and good neighborliness 4) To begin immediate negotiations for normalization of relations in which the Saharawi Arab Democratic Republic, Algeria, Morocco and Mauritania will take part.

#### The Polisario

Essentially, Polisario is a nationalist movement with a socialist orientation. Also, as almost the entire population of Western Sahara is Muslim, the Polisario government, the Saharawi Arab Democratic Republic, describes itself as an "Islamic Republic."

The National Program, issued by the Third General Congress of Polisario in August 1976, states their basic principles as follows: "The specific characteristics of the Saharawi people are that they are Arab, African and Islamic, that they belong to the Third World, that they are opposed to imperialism, colonialism and exploitation." Under "Internal Policy" the National Program of 1976 states "Our decisions are: a) to maintain the republican, democratic system with a unified program; b) to mobilize the masses, giving free rein to their spirit of initiative so that they may fully play their part."

The economic plan of Polisario consists of five parts: 1) A planned national economy 2) control of the natural resources 3) agricultural development 4) industrialization and 5) protection of the maritime resources. It is a program which calls for the sharing of the profits from the exploitation of the nation's natural resources and their use to promote long term economic development. It is a program



which might be recommended to any independent government.

In this regard it is important to note that Polisario is above all pragmatic in their approach and they have clearly expressed to me the desire for good relations with the United States. I might point out that the U.S. has very extensive trade with Algeria, and a similar situation could well develop with an independent Western Sahara.

Polisario has received military aid from a number of countries including Algeria and Libya. Much of the material they receive from these countries originates in the Soviet Union, Algeria's major arms supplier. Polisario also captures a large amount of its military equipment from Morocco.

It would be a great mistake to view Polisario as a puppet of Algeria. It is true that without Algerian support Polisario would not be in such a strong military position today. Polisario is a movement indigenous to Western Sahara. It was not until late 1975 that Algeria started to give Polisario significant support. By this time Polisario's political position and uncompromising stance of independence had long been established among the people of Western Sahara, as was documented by the U.N. Mission in May of 1975.

In the camps in Algeria, Polisario functions for all intents and purposes like a national government. Polisario is organized along democratic lines. Every Saharawi belongs to a cell of eleven. This is the basic unit of the movement from which representatives are elected to the popular committees in each of the daïra, or districts, and from there to the willaya or provincial councils. Representatives from the various willaya councils constitute the General Congress, the top policy-making body of Polisario. The National Council of Polisario, the Political Bureau and the Executive Committee are chosen by the Congress.

An administrative structure for the running of the communities or refugee camps parallels the political structure. In each camp virtually everyone is a member of one of the five functional committees - health, education, handicrafts, distribution and justice - around which the community's life is organized. Representatives from these committees form an administrative committee responsible for each camp. From among the members of these five committees representatives are chosen to the district and provincial committees. The political and administrative structures form the Polisario government -- that of the Saharawi Arab Democratic Republic.

Conditions have greatly improved in the refugee camps in the last couple of years. As was explained to Richard Knight in a meeting with Salek Babeith, the Minister of Health, when the refugee situation was created by Morocco's invasion in late 1975, there was not any



structure to provide for the people. This problem was immediately attacked by Polisario, and was a major emphasis of the third Polisario congress in 1976. Now that structure exists. One can only be amazed at the efforts Polisario is making to improve the conditions of the Saharawi people, in education, health and social development.

In visiting these refugee camps, I found it almost impossible to think of these people as refugees. I have visited many refugee camps in Africa over many years but I have never seen a group of people who are more self-reliant or better organized than are these people. They are dependent on friendly countries and international organizations for food and clothing to be sure. But they are independent of outside control and they have organized themselves according to their own way of life. The camps are not administered by Algerians, or United Nations personnel, or by technicians from any other country in the world. I had the feeling I was visiting a nation in exile. This I think is the importance of the camps politically.

Many of the health problems can be handled in the camps. For example, if children show signs of malnutrition they are assigned to tents somewhat segregated from the other tents, and are given a special diet. Usually in less than three months these children are able to go back to the regular camp.

In addition to a clinic in each of the dairas, there is a National Hospital and a smaller regional hospital. Two hospitals are necessary because of the large area over which the refugee camps are spread. The National Hospital will eventually have 400 beds, and is divided in sections such as maternity, general and intensive care. The smaller regional hospital has about 60 beds. A nurse remains in every room in which there is a patient. Some of the staff has been trained in the hospitals, others have had many years of experience.

Education is another area in which Polisario has been improving the lives of the Saharawi people. One example is the recently opened National School, for children 7-13. This is a boarding school and when completed will accommodate about 3,000 children. Education takes place in Arabic and Spanish. The school is about half finished.

Adult literacy has also been a concern of Polisario. There is a special school for adult women, for example. And with almost all the men away at the war, women run the refugee camps. The program of the third congress of Polisario said "the woman's education should be emphasized" and that "it should be stressed that there is no incompatibility if a woman takes up a profession."

I would like to emphasize the amount of organization needed to run the camps. Almost everything needs to be provided including clothes and food. Protein has been a special problem. However, conditions

are much better now than two years ago. Also, the main obstacle to improving the condition of the Saharawi people is the continued occupation of Western Sahara by Morocco and Mauritania. The U.S. should provide aid to these refugees, preferably through international organizations.

#### The Military Situation

During my travels inside Western Sahara I was able to see for myself the extent to which Polisario forces freely operate. I spent a week in the Sahara traveling by Land Rover with Polisario guerillas, from Algeria to the Atlantic. I suppose the round trip, taking into account our zigzagging course, covered 1200 to 1300 miles. There are no roads. There are only tracks in the desert. But Polisario knows the desert. They had no compass and no radio but they could find their way with ease to a well, or to a small town from which the Moroccans had recently been driven, or to a wreckage of an F-5 U.S. jet plane that had been downed in the desert by Polisario.

Traveling with Polisario I went right up to the ocean, stopping by an abandoned lighthouse near Cabo Bojador. Returning, we passed not far from the capital of El Aaiun and fairly close to the phosphate center at Bu Craa.

One of the towns from which the Moroccans had recently been driven that I visited was called Tifariti. Its population may have been 15,000 at one time, I was told. Polisario recaptured (or liberated) it in March, 1979, a month and a half before I was there. In fact, when Richard Knight was in Western Sahara in March he had seen some of the battle for Tifariti. All the people were gone because, like most of the Saharawi people, they were in the refugee camps in Algeria. Only a few Polisario guerillas guarded the place. There was a large graveyard close by with mounds marking graves. Some were those of Saharawi civilians, many of them killed by napalm attacks in the initial Moroccan occupation. Others were those of Moroccan and Polisario combatants.

Just two weeks before I arrived, Polisario forces again proved their strength by capturing the fortified town of Amgala, not far from the phosphate mining center of Bu Craa. I was able to inspect the numerous underground defenses constructed by the Moroccans and over-run by Polisario. On the return trip from the Atlantic I witnessed the Polisario shelling the Moroccan defenses surrounding the major town of Smara.

Not far from the Atlantic coast I was taken to the site of a downed American F-5. The Moroccan pilot, who I was told was a high official, had parachuted to safety and was a prisoner of war of the Polisario. There were clear and unmistakable markings on the scattered parts of the plane identifying it as American. This is evidence bolstered by

other things I saw as well as by what was seen by Richard Knight that American military equipment is being used by Morocco in the Western Sahara, contravening what is supposed to be an understanding between the U.S. and Morocco by a military agreement in 1960. Much of this and other Moroccan equipment has been captured by Polisario. Richard Knight and I saw considerable quantities of captured arms, including such items as land rovers mounted with what I understand are 106mm mortars. We have a number of photographs of these. The mortars, we understand, are made under U.S. license in Spain.

Despite the fact that the Moroccans have committed a large number of troops, they are clearly on the defensive and rarely go far from the occupied towns and only then in large numbers. Polisario keeps a close watch on the towns and follows the Moroccan movements. The Moroccans have perhaps 30,000 troops committed to the Western Sahara. Some estimates are twice that number. Still, as I have reported, the Moroccans are limited to a few towns which have in essence become garrisons for the military.

Mauritania already has publicly stated that it would like to opt out of the war. But Mauritanian troops continue to occupy a number of towns in Western Sahara. Mauritania has internal political problems and Morocco maintains a large number of troops on Mauritanian soil. It still remains to be seen whether a separate peace can be made.

Morocco's recent complaint to the Security Council is further evidence of Polisario's military strength and Morocco's weakness in Western Sahara. As part of its response to Morocco's invasion of Western Sahara, Polisario has attacks inside Morocco. This includes a number of attacks on Tan T n, Assa and on military convoys. Morocco brought a complaint to the Security Council as a result of these attacks. It limited its complaint to "specific time and specific place" and labeled the Polisario forces "armed brigands." However, this was not accepted in the Security Council and Morocco dropped its complaint.

Support in Morocco for the war has declined significantly. According to an article in the May 10 Financial Times (London) "Most Moroccans still pay lip service to the official line...But complaints about the cost of living and deteriorating social conditions are growing. 'Life is exorbitant because of the Sahara' is a refrain heard everywhere."

The Financial Times article also reports a decline in army morale. "Soldiers returning from the Sahara speak of a growing malaise about appalling conditions...The men complain about the difficulty of fighting fast-moving Polisario columns from fixed positions, of not being given leave (most have been there for four years) and the boredom they feel in this inhospitable terrain where there is no entertainment and no drink."



Morocco's occupation of Western Sahara, in violation of accepted international norms, has led to the destabilization of the region and some observers predict that Morocco may launch a hot pursuit raid into Algeria that will spark a war between the two countries. I do not want to make any predictions myself, but I would like to say that I would find such a turn of events tragic. Certainly it is in the best interest of the United States to do all in its power to prevent it from happening.

#### U.S. Policy

U.S. policy on the question of Western Sahara has officially been one of "neutrality". In fact, the U.S. has clearly "tilted" toward Morocco. It appears that the U.S. is moving closer to Morocco, as evidenced by the recent finalization of a number of military sales. At the same time, it is my understanding that U.S. government officials do not even meet with Polisario. The lack of information growing out of this no contact policy was reflected in a discussion I had with U.S. representatives in Algeria. The end result of U.S. policy has been to contribute to the destabilization of the region while opposing the legitimate struggle for self-determination.

The U.S. is a major arms supplier to Morocco. This includes a significant amount of military credits. The State Department has said that these military sales are not related to Western Sahara but for what they say are the "legitimate" defense needs of Morocco. However, Morocco takes a different view, as was expressed by Ahmed Reda Guedira, counselor to King Hassan II in the July 11 issue of Jeune Afrique. I quote:

"The position of the United States has evolved a great deal because American officials better understand the real sense of the problem of the Sahara in its context. This better understanding has led them to review their position as much in terms of policy principles as at the factual level. The best proof of this is that--in spite of general budgetary restrictions in the United States--military credits to Morocco have increased 50%. This is enormous in the American context and underlines the exceptional character of the real position of the United States." (Translated from French)



American arms are supplied to Morocco under the terms of a 1960 bilateral defense agreement. The United States continues to stand by its interpretation of this treaty as limiting the use of U.S. supplied weapons to the defense of Morocco itself, not including the Western Sahara. King Hassan, however, refuses to accept the American interpretation of the 1960 agreement and claims Western Sahara is an integral part of Morocco. The State Department openly acknowledges Morocco is using U.S. supplied weapons in Western Sahara.

In spite of obvious violations of the agreement under which these weapons are sold to Morocco, however, the United States is now considering further military aid. The State Department has just recently approved the sale of \$2.4 million worth of spare parts for Morocco's F-5 and C-130 aircraft. The State Department has also just authorized the sale of \$3.0 million worth of F-5 ammunition, including bombs and rockets. It should be obvious to even the casual observer that the only possible need for such quantities is to replenish munitions expended illegally in the Western Sahara.

In addition to these arms the United States is also contributing to a significant improvement in Morocco's fighting capacity in Western Sahara. Three weapon systems that have been approved for sale to Morocco are particularly disturbing: six CH-47 (Chinook) helicopters, a Forward Area Alerting Radar System (FAAR) and an integrated electronic detection system. None of these systems has an essential mission in the defense of Morocco. All three, however, have clear and important uses in Morocco's Saharan war.

To understand why this is the case, it is important to remember Morocco's military position in the Western Sahara. As I said earlier, the forces of Polisario control most of the country. Moroccan forces hold isolated garrisons, but cannot control the territory in between. Nor can they move well-armed caravans without fear of Polisario attack. For the time being superior Moroccan fire power and control of the skies--both due mainly to American weapons--mean that the major garrisons are relatively safe. Their continued existence is becoming increasingly problematical, however, as the recent Polisario victory at Tifariti and Angala suggests. Polisario attacks take a daily toll of Moroccan men, morale and material. It is for these reasons that Morocco so desperately wants these three American weapons systems.

Most Americans remember the Chinook helicopter, the work horse of the Vietnam war. In Vietnam the Chinook proved its capacity as a cargo and troop carrier. Its ability to move upwards of 10 tons of supplies at a time will obviously greatly ease the problem Morocco now faces in resupplying its garrisons in the Western Sahara and help to get around the Polisario's control of ground movements. The Chinook will also make possible the rapid movement of troops both to relieve pressed outposts and to drop troops into combat as the United States did in Vietnam. Such increased mobility and efficiency in the use of manpower will, of course,

improve the amount of effective power Morocco can exercise with its existing armed forces.

I understand that the Chinook helicopter sale is now several years old and the contracts have already been signed. In light of the military significance of this sale to Morocco and the clear likelihood that Morocco will violate the terms of the sale, I believe this sale should be cancelled.

As for the FAAR radar system, Jane's Weapon System--a respected source on military hardware--describes its normal use as "a lightweight early warning air surveillance radar" meant to add extra air defense protection for important targets like air fields, tank parks and dams. In this mode, FAAR might have a role in the national air defense radar system being built for Morocco by Westinghouse, particularly for use with the batteries of surface-to-air missiles now in the Moroccan inventory.

But FAAR has another more sinister use. Jane's tells us, and I quote, "Other applications attributed to the system 360° detection of first round motor and rocket fire and use as a tactical air traffic control center." (p. 572) Set up in a garrison in the Western Sahara, such a system would greatly increase Morocco's capacity to respond to Polisario's hit and run guerrilla attacks. It would give the Moroccans the ability to pinpoint the source of attacks immediately and accurately to direct responding F-5's.

The State Department denies that FAAR is capable of this secondary role attributed to it by Jane's. I am not an arms expert and cannot verify one position or the other.

The third sale has already provoked considerable debate and in fact was turned down once before receiving authorization. I'm referring to the proposed sale by Northrup Page of \$200 million Integrated Intrusion Detection and Communications System, a so-called "electronic battlefield". Essentially this is a very sophisticated passive monitoring system using seismic and infrared detectors to spot troop and armor movements in remote areas. Such a system was used, for example, to monitor troop and material movements on the Ho Chi Min trail. Why Morocco needs such a sophisticated and expensive system for the defense of its borders is hard to imagine.

As I understand it, very few of this system's components are actually on the munitions control list and most are, in fact, available off the shelf in Europe. I also understand, however, that when first considering Northrup Page's proposal to sell such a system to Morocco, the Arms Control and Disarmament Agency felt that the technical know-how the American firm was to supply in setting up the system was more significant than the components themselves. Apparently this fact figured in the initial decision to turn down the proposed sale, since the system itself in place in the country and the components readily available in Europe, Morocco could easily extend it into Western Sahara. Also, responsible sources have told me that even as planned some of the communication devices will be located in Western Sahara. It would seem to me that logically the communication devices should go behind and not in front of the defensive detection screen.

Although classified as passive and defensive, it seems clear that the Northrup Page system has offensive potential. After all, if it is possible to pinpoint the enemy it is easy to call in air strikes or to prepare for ground attack. Since Morocco's military equipment and manpower are now stretched to their limit, this added efficiency in their deployment will constitute a real increase in Morocco's war fighting capacity. It was for precisely this reason that the Arms Control and Disarmament Agency originally decided that the Northrup Page proposal would violate the American policy of neutrality in the Western Sahara. We still think it does.

Such sales can only hurt the United States. Insofar as the issue of the Western Sahara specifically is concerned, the sale of American ammunition and weapons systems to Morocco makes a mockery of our expressed position of neutrality in the conflict and must be construed as de facto support for Morocco's expansionist policy. Their use by Morocco makes the United States party to the systematic and violent suppression of the human rights of the people of Western Sahara. At the same time, continued arm sales to Morocco, despite our proclaimed position of neutrality, can only further erode U.S. credibility both in Africa and elsewhere in the world. It can also only damage American prestige to continue without protest to provide arms to a country which openly violates the terms of the supply treaty. Such an example will lead other countries in similar situations to ignore their treaty obligations.

I would like to conclude with a brief summation. The people of Western Sahara have been denied their basic rights of independence and self-determination guaranteed under international law. Polisario, the political movement that has been fighting for independence, is strong militarily and politically among the Saharawi people. The Polisario-formed government has been recognized by 16 African states and many more African states recognize Polisario as the representative of the Saharawi people. However, Morocco has refused to recognize the legitimacy of Polisario and its government.

The U.S. has sided with Morocco, although claiming to be neutral. This policy is detrimental to the U.S. and will not save the current Moroccan regime. In spite of U.S. policy, Polisario has expressed a desire for friendly relations with the U.S.

The best path for the U.S. is to stop all arm sales to Morocco and take all possible steps to encourage Morocco to withdraw and to recognize the independence of Western Sahara.

In addition, there are two other courses of action open to the United States. First, a program designed to meet the needs of the thousands of Saharawi refugees in the camps in the Tindouf region of Algeria should be inaugurated. Such a program could be carried out in cooperation with UNHCR and Algeria's Red Crescent organization. The possibility of such a program should be explored without delay.

Second, the United States should take some initiative in helping to arrange for an international conference to settle the war. This would be welcomed by Polisario, I was told. Obviously Morocco, Mauritania and Polisario would be the principal participants. Such a conference probably could best be arranged under international sponsorship, probably the United Nations. Perhaps the time has nearly arrived when negotiations under international auspices have a chance of success.



Mr. SOLARZ. Thank you for your testimony, Mr. Houser. I am sure that during the question period we will want to explore many of the points you have made. I have one technical question now. Do I understand you to be saying that you have photographic evidence of the utilization of American military equipment in the Sahara?

Mr. HOUSER. That is correct.

Mr. SOLARZ. Could you make those photographs available to the committee?

Mr. HOUSER. Certainly; we will be happy to.

Mr. SOLARZ. For inclusion in the record.

Mr. HOUSER. Yes, indeed. We have some here.

Mr. KNIGHT. I have a couple.

Mr. SOLARZ. Perhaps you can pass those around to the members of the committee while we continue with the testimony. If you get us copies it would be appreciated. Do you have any way of documenting that those pictures were, in fact, taken in the Sahara?

Mr. HOUSER. I have some movies, which I can't show here but which I would be happy to show under the proper circumstances, in which you can take a look at the Atlantic, but the Atlantic is a pretty big ocean. There is a Spanish ship that is shipwrecked. It is very difficult to document where you took a picture by the picture itself. How do you document it when you take it? If you put something in the sand someplace—

Mr. SOLARZ. You are not under oath, of course, but your testimony is that you took those pictures in the Sahara?

Mr. HOUSER. Right; and I would be very glad to be under oath on that.

Mr. SOLARZ. Thank you very much.

Professor Lippert, do you want to give us your views? It is now 3:05 p.m. We will give you until 3:15 p.m.

#### STATEMENT OF ANNE LIPPERT, PROFESSOR, OHIO NORTHERN UNIVERSITY, ADA, OHIO

Ms. LIPPERT. Thank you, Mr. Chairman. I have visited the refugee camps of the Saharawis of western Sahara, in the area around Tindouf, Algeria, three times. I spent 2 weeks in the camps in 1977, 10 days in 1978. This summer I traversed part of the Saharan Arab Democratic Republic, the former Spanish Sahara, during a 10-day period. That is the western Sahara.

I have submitted my testimony in writing. The points that I believe are relevant to discussion are the following:

The first is that the reason for the conflict is the richness of the western Sahara, or the Saharan Arab Democratic Republic. The Atlantic coastline of the SADR is over 1,000 kilometers long. This is one of the richest fishing fields in the world today. About 1,500,000 tons of fish were harvested from this area during Spain's protectorate yearly. Of this fish, Spanish boats took only about 270,000 tons. Fishing rights were extended to many nations, including the United States, the Soviet Union, Japan, South Korea, et cetera.

The phosphate resources of the SADR are the fourth richest in the world. The area around Fos Bou Craa is 80 percent phosphate. In an area nearby that I visited this summer and where I picked up phosphate from the ground, it was said to be 65 percent. Mining tests

undertaken in the 1960's indicate that there are vast mineral resources in the SADR: Titanium, vanadium, zinc, uranium, copper, gold, natural gas, magnetite, iron, and petroleum.

Iron reserves are estimated at 70 million tons. The large petroleum discovery made by Esso geologists in 1969 around Tarfaya, in southern Morocco, indicated that the greatest part of that find of petroleum is located within the SADR. I also observed the remainder of one of the American geologists' finds in an area where they were exploring along the coast.

The SADR has one of the largest underground freshwater lakes in the world. According to the Saharawis there was cultivation of corn, wheat, and barley in the north central area of that country—that is, south of the Oued Draa and along Oued Jat to the west. At Tifariti, in the SADR, I observed the well that was used to feed the gardens and saw remains of a garden area. I was told that it would be possible to raise sufficient food in the SADR—herds, fish, and land crops—to feed all of Morocco and Mauritania.

The vegetation that exists that I saw—acacia trees, ground covers, thorn trees, et cetera—as well as the fauna I observed—rabbits, desert foxes, gazelles, birds of all kinds—indicate that the desert of this region is supporting life and can continue to do so. The limited farming by the Spanish was due to their policy of importation—that is, providing a market for Spanish goods and food imports.

As you will note from this description, the SADR can support an appropriate population for its area with its present resources. This territory has been described by some analysts as the potential Kuwait of Northwest Africa. Certainly it can support the Saharawi population currently in exile or on the battlefield, a population estimated between 350,000 and 750,000 persons.

One of the fears frequently expressed in meetings about the western Sahara region is that a new microstate would pose an irredentist threat to surrounding states and would prove unstable or be bound to another state—usually the fear is expressed about Algeria—so that it would not be a truly independent state.

This microstate argument was used by the French Government to disapprove the formation of the SADR at a time when France was moving to implement independence for Djibouti, a country considerably smaller in size. What is an appropriate size for a nation is frequently a matter of political expediency and interest of another established state.

The second point I would like to make is the one that Mr. Houser has already made on the political organization of the Saharawis. There are two individual points I would like to make in this testimony, however.

The first is that, in studying the political institutions of the Saharawis and in discussing with them their long-term goals, I have noted that the Saharawis are committed to their formalized goal of non-alignment. This position has not altered since I first spoke with Saharawi leaders in 1977.

In 1978 Bachir Mustapha Sayed, Adjunct Secretary General of the Polisario Front and member of the Revolutionary Council, the President of the National Council and two members of that council, including a member of the former Djemaa, the Saharawi governing group formed during the Spanish protectorate, discussed with me for



several hours, Saharawi political philosophy. The points made at that meeting included the following:

One: The Polisario Front is a national movement for independence.

Two: National goals are defined through the General Congresses, popular meetings, and political organization.

Three: The Saharawis would not like to see an escalation of the war which would increase foreign involvement on all sides and might force them from their nonaligned stance.

In 1979 this goal and policy of nonalignment was once again emphasized to me in the territory of the SADR by members of the External Affairs Committee and of the Ministry of the Interior. I was told that the Polisario Front had been offered foreign troops by several nations but that they had refused this assistance because of their desire to remain nonaligned, to liberate their territory themselves, and to be truly independent at the moment of national independence.

The second point I would like to make with regard to the political organization of the Saharawis is their organization into democratic institutions. Mr. Houser has described the organization of the camps. What I would like to emphasize is the fact that all of the groups that are in or make up the political organization of the front are democratically elected groups. The heads of the women, students, and workers groups are automatically members. The 18 other members are elected by the Popular Congress delegates at the National Assembly. Delegates to the Popular Congress are elected in local and regional meetings.

The Saharawi National Council, composed of the 21-member Political Bureau and 19 representatives of popular meetings at local levels, exercises ongoing legislative responsibility. It is clear to me that this organization stems actually from their traditional tribal organizations and confederations.

The third point I would like to make and which I think has to be remembered in any discussion of the appropriate United States stance is that the Polisario Front and Saharawi people are not the aggressors in this war. It must be remembered that Morocco invaded the western Sahara in late October 1975.

One of the liberated cities that I visited this last trip was Edchera. That city was invaded on October 31, 1975, which is prior to the great march of November 1, 1975, and prior to the Madrid accords of November 14, 1975. In no way, then, is the Polisario Front or Saharawi people the aggressors in the war.

As you probably recall from the studies you have done, Mauritania joined the war on December 10, 1975.

The fourth point I would like to make is that international opinion recognizes the rights of the Saharawi people. The U.N. General Assembly since 1963 has been calling for the exercise of these rights of self-determination and in the last session in 1978 again requested this. The OAU, which the chairman has referred to, has asked for and not admitted that the Saharawi people have exercised their right of self-determination.

Mr. SOLARZ. If you will stop for a minute, without objection I would like to ask the staff to collect for inclusion in the record at the appropriate point the text of all relevant resolutions adopted on this matter by the U.N., OAU, or any other international organizations that have taken a position on the question, together with the votes that were conducted on each of them. Please continue.



Ms. LIPPERT. I will not take the time in these few minutes to discuss the opinion of the International Court of Justice which came out clearly for self-determination of the Saharawis in 1975, or the illegal status of the Madrid Accords or the fact that the SADR is actually a state, because it currently complies with the internationally accepted definition of what is a state.

I will, instead, refer you to an article by Dr. Jeffrey Schulman, of Urbana College, "The Legal Issues of the War in Western Sahara," which I am submitting for inclusion in the hearing report.

But I feel that it is important to add here that even Spain, the colonizing and administering party of the former Spanish Sahara, in the person of Aldolfo Suarez, the head of the Spanish Government, has stated publicly that, although having definitely ended its administration of the territory on February 26, 1976, Spain could not transfer sovereignty of the territory because it did not possess it and that Spain is for a just solution which would involve the self-determination of the Saharawi people.

The fifth point is strength of the Polisario. Mr. Houser has referred to what he observed in the area of western Sahara. In the 10 days I spent in western Sahara the only evidence of Moroccan presence there that I noted—and, as he, I was in that triangle between Bu Craa, El Aaiun, and Semara—in that particular area was that I observed occasional reconnaissance planes and one helicopter that was looking over the area.

In the 10 days we traveled daytime and nighttime, and I include in my testimony the fact at one point the land rover broke down and we sent up flares in the evening about 30 or 40 kilometers from El Aaiun. We were reached by another land rover with Polisario.

I also have pictures. This time in taking my pictures I photographed in some of the pictures, two Spanish journalists whom our reporter interviewed in Spain and who have been reporting for a magazine. They could perhaps document that I was there at that time.

The other evidence of strength, I think, is in the camps. In the 3 years I have visited the camps—I spent only a short time in the camps—there has been no change in the attitude of the people about their desire for self-determination, about their desire for return of the territory.

The sixth point I would like to make is that I understand very well the obligation of the United States not to abandon its friends. Morocco certainly has evidenced friendship to the United States. At the same time, I think that it must be underscored that friendship is not abandoning the principles for which this country stands. The United States was founded on the idea of liberty, not only individual, but liberty of nations.

In this particular instance, I think, the legal issues are quite clear: The rights of those people to self-determination, their desire for independence. It would be unfortunate if the United States would so desire to help its friends that it would abandon its principles along this line.

The second point I would like to make in this regard is that friendship is not necessarily the business of supplying arms to other nations. In other words, peace is not always gained by simply sale of arms. It would seem to me that particularly since 1975—I have even picked up remains of bullets from machineguns that were made around

Dayton, Ohio; this was around a well at Amgala—since 1975 Morocco has not been observing the 1960 agreement, we should not continue to sell arms to Morocco for whatever use we think there might be in Morocco.

I would urge, then, the following: That the United States exercise extreme restraint in both arms sales and grants to Morocco and insist on the Moroccans' compliance with the 1960 arms agreement or else cease all arms shipments. I also think one of the best aids we could give to Morocco at this time would be to assist Morocco diplomatically to extricate itself from this war, which, like our own experience in Vietnam, is causing economic and moral ruin of a friendly nation.

[Ms. Lippert's prepared statement follows:]

PREPARED STATEMENT OF ANNE LIPPERT, PROFESSOR, OHIO NORTHERN UNIVERSITY, ADA, OHIO

Mr. Chairman: I have visited the refugee camps of the Saharawis of Western Sahara (in the area around Tindouf, Algeria) three times. I spent two weeks in the camps in 1977, ten days in 1978. This summer I traversed part of the Saharan Arab Democratic Republic (the former Spanish Sahara) during a ten day period.

The Saharan Arab Democratic Republic is a territory about 110,000 square miles, approximately the size of Colorado, or about one half the size of France and just slightly smaller than Italy. Spanish colonizers gave 75,000 persons as the population, but there are reasons to believe that that number is considerably less than the actual population. Reasons for the discrepancy include the following: 1) a largely nomadic population during the Spanish protectorate; 2) Spanish efforts (aided by France and Morocco in the 1950's) at repression of the Saharawis in the 1950's and 1960's which caused a good many of the Saharawis to flee to Mauritania, southern Morocco, Algeria and the Canaries; 3) Spain's desire to retain the territory (lack of a sufficient population is still being used today as an argument for approval of Morocco's invasion of the territory). There are presently over 100,000 Saharawis in the refugee camps near Tindouf, Algeria (persons who fled to that area from the S.A.D.R. beginning in 1976) and there are still Saharawis in cities in the S.A.D.R. (those controlled by Morocco), in Morocco and Mauritania, and, of course, in the Polisario fighting force in the S.A.D.R.

The Atlantic coastline of the S.A.D.R. is over 1,000 kilometers long. This is one of the richest fishing fields in the world today. About 1,500,000 tons of fish were harvested from this area during Spain's protectorate yearly. Of this fish Spanish boats took only about 270,000 tons. Fishing rights were extended to many nations including the U.S., the Soviet Union, Japan, South Korea, etc. The phosphate resources of the S.A.D.R. are the fourth richest in the world. The area around Fos Bou Craa is 80% phosphate. In an area nearby that I visited this summer and where I picked up phosphate from the ground, it was said to be 65%. Mining tests undertaken in the 1960's indicate that there are vast mineral resources in the S.A.D.R., titanium, vanadium, zinc, uranium, copper, gold, natural gas, magnetite, iron, and petroleum. Iron reserves are estimated at 70 million tons. The large petroleum discovery made by Esso geologists in 1969 around Tarfaya (southern Morocco) indicated that the greatest part of that find of petroleum is located within the S.A.D.R.

The S.A.D.R. has one of the largest underground fresh water lakes in the world. According to the Saharawis, there was cultivation of corn, wheat, and barley in the north central area of that country, i.e., south of the Oued Draa and along Oued Jat to the west. At Tifariti (S.A.D.R.) I observed the well that was used to feed the gardens and saw remains of a garden area. I was told that it would be possible to raise sufficient food in the S.A.D.R. (herds, fish, and land crops) to feed all of Morocco and Mauritania. The vegetation that exists that I saw—acacia trees, ground covers, thorn trees, etc.—as well as the fauna I observed—rabbits, desert foxes, gazelles, birds of all kinds—indicate that the desert of this region is supporting life and can continue to do so. The limited farming by the Spanish was due to their policy of importation, i.e., providing a market for Spanish goods and food imports.

As you will note from this description, the S.A.D.R. can support an appropriate population for its area with its present resources. This territory has been described by some analysts as the potential Kuwait of North-West Africa. Certainly it can support the Saharawi population currently in exile or on the battlefield (a population estimated between 350,000 to 750,000 persons).



One of the fears frequently expressed in meetings about the Western Sahara region is that a new "microstate" would pose an irredentist threat to surrounding states, would prove unstable or be bound to another state (usually the fear is expressed about Algeria) so that it would not be a truly independent state. This microstate argument was used by the French government to disapprove the formation of the S.A.D.R. at a time when France was moving to implement independence for Djibouti, a country considerably smaller in size. What is an appropriate size for a nation is frequently a matter of political expediency and interest of another established state.

In studying the political institutions of the Saharawis and in discussing with them their long-term goals. I have noted the following: that the Saharawis are committed to their formalized goal of non-alignment. This position has not altered since I first spoke with Saharawi leaders in 1977. In 1978 Bachir Mustapha Sayed, Adjunct Secretary General of the Polisario Front and member of the Revolutionary Council, the President of the National Council and two members of that Council, including a member of the former Djemaa (Saharawi governing group formed during the Spanish protectorate), discussed with me for several hours Saharawi political philosophy. The points made at that meeting included the following: 1) the Polisario Front is a national movement for independence, 2) national goals are defined through the General Congresses, popular meetings, and political organization, 3) the Saharawis would not like to see the war escalate which would increase foreign involvement on all sides and might force them from their non-aligned stance. In 1979 this goal/policy of non-alignment was once again emphasized to me in the territory of the S.A.D.R. by members of the External Affairs Committee and of the Ministry of the Interior. I was told that the Polisario Front had been offered foreign troops by several nations, but that they had refused this assistance because of their desire to remain non-aligned, to liberate their territory themselves, to be truly independent at the moment of national independence.

In the weeks that I have spent in the refugee camps of the Saharawis and in the S.A.D.R. I have noted the absence of other nationals. This has been corroborated in discussions I have had with Red Cross officials and a number of journalists. The non-alignment policy of the Saharawis seems to resemble that of other African states like Nigeria and Tanzania. I have also noted the political organization of the Saharawis and their apparent control and direction of the war as well as of the camps.

In a communique from the Fourth General Popular Congress of the Polisario Front held from September 25 to September 28, 1978 in the S.A.D.R., the following statements were published as part of the outcomes of the meeting. The Saharawi delegates to that Congress asked that their neighboring states: 1) recognize the national sovereignty of their people over their territory and respect their legitimate rights to self-determination and independence; 2) recognize the territorial integrity of the S.A.D.R. in conformity with the principle of historic frontiers inherited from the colonial period and which are internationally recognized; 3) respect the principle of non-recourse to force in relations with them and non-interference in their internal affairs; 4) respect the principle of settling differences by peaceful methods. The Congress also reiterated the fact that the Saharawis' battle is one for national independence. It is not intended to provoke the fall of foreign regimes, but is directed against the imperialistic aggression and expansionist policies of those nations that have invaded the S.A.D.R.

I have noted, as I said before, in all three visits I have made that within the refugee camps of the Saharawis it is they who direct all the activities of their daily life. The Saharawi Red Crescent distributes food stuffs, medicines, and clothing supplied by Support Committees, humanitarian groups, and the Algerian Red Crescent to local communities. Each camp (about 23 in all, grouped in three *wilayas*) has five committees: Child Care, Justice and Social Affairs, Supplies, Health, Crafts and Culture. At one time local health and education committees directed all local activities. Now Health and Education are national ministries and are organized on a national level. Saharawis guarantee the security of the camps.

The Political Bureau of the Polisario Front is an elected group. The heads of the Women, Students, and Workers groups are automatically members. The 18 other members are elected by the Popular Congress delegates at the National Assembly. Delegates to the Popular Congress are elected in local and regional meetings.

The Saharawi National Council, composed of the 21 member Political Bureau and 19 representatives of popular meetings at local levels exercises on-going legislative responsibility. The Popular Congress also selects the Executive Com-



mittee, the highest authority of the Saharawi Republic. Heading its Executive Committee is the Secretary General of the Polisario Front, Mohamed Abdelaziz, who names cabinet officers with both internal and external responsibilities. (It has seemed to me that this democratic representative form of government is a modernization of traditional tribal organizations and confederations.)

Since the announcement of the formation of the S.A.D.R. on February 27, 1976, there has been a gradual development of governmental structures, formulation of policies, and a systematized statement of goals enunciated in a Constitution (approved by the Third Popular Congress of 1978) and in policy statements emanating from each Congress and implemented in the succeeding year. As one example of these policies, education is considered to be a primary goal for the development of the S.A.D.R. by the Saharawis. Policy decisions have included the building of local and regional schools. Children above the age of 6 now receive academic training in boarding schools in the refugee camps. Students for higher education or specialized training are sent abroad. The need (formulated into a goal at the Popular Congresses) for an alphabetization program for women and the old has developed into local programs in the camps and a boarding school for women where they can pursue their studies uninterrupted by the work of the camps. Another example of a policy that has been implemented is the Saharawi concept of the equality of all persons, stated in the Constitution of the S.A.D.R. This policy has been translated into the literacy and military training programs for all persons. (Women at one of the Popular Congresses insisted on military training for able-bodied women.) It is demonstrated by the participation of all in the work of the camps. I noted that the principle that all work is good and equal was demonstrated by the soldiers as well. There seemed little deference to status. I saw field commanders and ministry officials making bread or tea in the field, helping to repair tires or fan belts. Respect is shown for the leaders, but it is not demonstrated by perks or special treatment.

In my discussions with official representatives of the Polisario government about the future of the S.A.D.R. after independence, these persons have repeated that they would be interested in developing economic ties with the West once independence is won. They are aware of their resources and their need for technology to develop and exploit these resources. They are aware that the United States and certain other Western nations could be their partners in this development. They are eager for collaboration. The fact that they have not rejected the West is further emphasized by the fact that schooling plans include Spanish to be taught as a second language to all school children.

As a political organization the Polisario Front dates from 1973 while Spain still administered the Spanish Sahara as a Protectorate. Resistance to colonization in the area dates from the 14th and 15th centuries. There was very active resistance in the 30's, the 50's, the 60's and the 70's, prior to Spain's departure. Given this history and the seriousness of Polisario's efforts to maintain political independence once national independence is arrived at, I find it very difficult to envision an S.A.D.R. directed as a satellite state of another nation. The very fabric of their political organization militates against such as eventuality, as the fledgling U.S. resisted becoming a French protegee or pawn following our own independence.

It is true that some Soviet arms have been supplied to the Polisario Front by Algeria and Libya. (I have only seen the Russian banana guns myself.) Much of the equipment used by Polisario to wage its war, however, still comes from captured arms from Morocco. In the ten days I spent in the S.A.D.R., all the trucks or landrovers I saw or rode in were formerly Moroccan as the stenciled i.d. marks indicated.

The argument is proffered that since Polisario receives arms from other nations, the U.S. should become even more involved in arms sales and grants to Morocco. Morocco is currently supplied with arms by France and the U.S. That nation has received major increases in U.S. arms grants and sales since 1975. In my opinion, what the U.S. needs to remember in its will to assist a friendly nation, Morocco, is that its friendship should not extend to approving immoral and illegal actions by its friends nor assisting them in these endeavors. It must be recalled that Morocco was the aggressor in this conflict. There would be no attacks on Tan Tan, Morocco, if Morocco had not, even prior to the Madrid Accords and the Green March, invaded the territory of the S.A.D.R. with armed Moroccan forces. As an example, Echederia (Jdeira if you choose Arabic spelling over Spanish) was taken by Moroccan forces on October 31, 1975. It was liberated by the Polisario forces on June 5, 1979, after the entire city was leveled by the Moroccans. (I visited it on June 29, 1979. Only part of one building remained in the rubble. Wells were poisoned and the area was mined.) The Polisario Front in its earlier attacks in

Mauritania (stopped since the cease-fire of 1978) and now in Morocco, is acting as the Allies and the Soviets did against Germany and Japan in World War II, attempting to dissuade an aggressor from its policy of aggression by attacking in their own territory.

If the U.S. is truly committed to retaining its friendship with Morocco, and is interested in Hassan II's continued presence on the Moroccan throne, then our nation should be using every diplomatic device available to it, to assist Morocco to extricate itself from this war that is ruining that nation. Newspaper reports claim that the war is costing Morocco \$1 million a day. The rate of inflation is quoted from 15 to 32%. Forty thousand Moroccan military personnel are presently in the S.A.D.R. (There are about 100,000-110,000 Moroccan military personnel in all.) The majority of these forces are confined to the cities they hold. Convoys travel between Bou Craa and el Aiun, but Smara and other cities can only be supplied by airlift. The Polisario claims it takes a force of 8,000 men to guard the convoy between Bou Craa and el Aiun.

In discussing U.S. involvement abroad, a great deal is made of U.S. national interest. As a citizen I am most certainly concerned about the national interest, and it is in this context that I say that I firmly believe that our national interest would be jeopardized by further involvement militarily by the U.S. in this Moroccan war. Since 1963 the United Nations General Assembly has passed resolutions stating that the Saharawis of the former Spanish Sahara have the right to self-determination and that this right should be exercised, to the creation of an independent state if the Saharawis should so decide. The last resolution was passed at the U.N. in 1978. To inhibit (or to assist in inhibiting) the clearly legal right of a people to self-determination, would most certainly be contrary to U.S. national interest, given the fact that over 1/8 of the nations of the world (22 nations) recognize the S.A.D.R., given the fact that the Polisario Front is recognized as the political organization of the Saharawis by the majority of O.A.U. members, given the fact that both the U.N. and the O.A.U. consider the Western Sahara a decolonization question.

I will not take the time in these few minutes to discuss the opinion of the International Court of Justice which came out clearly for self-determination of the Saharawis in 1975, or the illegal status of the Madrid Accords, or the fact that the S.A.D.R. is actually a state because it currently complies with the internationally accepted definition of what is a state. I will, instead, refer you to an article by Dr. Jeffrey Schulman of Urbana College on "The Legal Issues of the War in Western Sahara," which I am submitting for inclusion in the Hearing Report. But I feel it is important to add here that even Spain, the colonizing and administering party of the former Spanish Sahara, in the person of Adolfo Suarez, the Head of the Spanish Government, has stated publicly that although having definitively ended its administration of the territory on February 26, 1976, Spain could not transfer sovereignty of the territory because it did not possess it, and that Spain is for a just solution which would involve the self-determination of the Saharawi people.

An Ad Hoc Committee of the O.A.U. has studied the problem and it is on the agenda for the O.A.U. Heads of State meeting this month in Monrovia. It is important, it seems to me, that in policy decisions the U.S. be cognizant of the fact that no nation in the world (outside of Morocco) recognizes Moroccan sovereignty of this territory while 22 nations regard the S.A.D.R. as a sovereign state.

In the days that I travelled in the S.A.D.R. recently, in a region generally held to be controlled by Moroccan forces, I saw no Moroccans. In those ten days we covered between 2,500 and 3,000 kilometers. We travelled during the day and at night. Only in two areas was I aware of a Moroccan presence. In Echederia which is close to the southern Moroccan border I heard a reconnaissance plane. In an area about 30 kilometers from el Aiun I heard occasional reconnaissance planes and saw a flight of 3 U.S. F-5's. I also heard a helicopter that had a plane cover. (I was asked not to look up as my glasses glinted, and I can't see without them.) In those miles I noted that Polisario forces have major bases throughout the Moroccan "controlled" territory. I visited the liberated towns of Tifariti, Echederia, Haoussa, Amgala, and Lemsig (sp?) on the Atlantic Coast. Our group, my husband and two Spanish journalists, stayed with Polisario units throughout the territory, drank tea and warmed ourselves at fires while reconnaissance planes were about, observed Polisario send up flares to signify our position when our landrover broke down about 40 kilometers from el Aiun. What all this indicated to me is that Polisario's claims to military success are true. One field commander told us that they would soon win the war. That conviction after several years of war (6 for many combatants), Polisario's knowledge of the terrain and its ability



to fight a guerrilla war, the Saharawis commitment to independence of their territory (soldiers in the field, people in the camps), indicate that Polisario will, indeed, win this war that was begun by Morocco and Mauritania.

I repeat the statement about Moroccan and Mauritanian responsibility for the instability in the region because it is essential that basic facts not be forgotten. The instability in North-West Africa stems from the greed of those two nations and those nations that have aided them in attempting to satisfy that greed, and not from the Polisario Front that has defended its people and its territory. Further escalation of the conflict will lead to even greater instability in the region. The present Mauritanian instability in government is a direct result of Mauritania's efforts to subjugate part of the S.A.D.R. The same might well be true for Morocco if the conflict continues.

I have been told by the U.S. State Department in a number of letters that the official position of the U.S. in the conflict is one of neutrality. It is difficult to square this statement with the fact that the U.S. ignored Moroccan violations of its 1960 arms agreement with the U.S. from 1975 to 1978 and continues to do so (use of U.S. arms outside of Moroccan territory). It is difficult to square this with the dramatic increases in arms aid and sales by the U.S. to Morocco just prior to and just after the Green March of 1975. It is hard to square this with the testimony I received of a Moroccan pilot of an F-5 downed over the S.A.D.R. last summer, or when I pick up bullets dated 1976 from an American-made machine gun (Dayton, Ohio) around the well at Angala (S.A.D.R.) which was the last battle of the Moroccan troops at that site. I find this difficult to square with the F-5's I saw in the S.A.D.R. flying above my head, or when I learn we are supplying replacement parts for those same F-5's even though we know they will be used in the S.A.D.R. or when I photograph U.S. arms captured from the Moroccans.

In recent days President Carter has asked U.S. citizens to reaffirm their belief in their nation, in its traditional beliefs and goals. As I learned these goals as a child, as an adolescent, and as an adult who has lived and travelled in several nations (thus learning to appreciate my own country and our freedoms), I grew to believe that the U.S. stands for a nation committed to democracy, to personal and national liberty, to equality, to life, and to the pursuit of happiness in justice—this, despite our imperfections. I cannot see how the rejection of these principles through support of an illegal aggression by another state, even a friendly state, serves our nation or our national interest. U.S. contribution to the genocide of the Saharawi people is unthinkable. Such hypocritical activity could only lead to the undoing of our own nation and the continued eroding of its place in the international community, particularly among the nations of Africa, Asia, and Latin America. I am not advocating that the U.S. abandon its friends, but I am stating that support of friends can not be rooted in the sale of arms and support for an untenable position. Some newspapers report that there are U.S. technicians already at el Aium. We continue to provide U.S. military training for Moroccan personnel who will fight in this desert war. We continue to send arms to Morocco for this conflict, even while saying we cannot be certain that they will use them for it. In light of this, and in light of the very just cause of the Saharawi people, I urge that the U.S. exercise extreme restraint in arms sales and grants to Morocco, insist on Moroccan compliance with the 1960 arms agreement or cease all arms shipments, and assist Morocco diplomatically to extricate itself from this war, which like our own experience in Viet Nam, is causing the economic and moral ruin of a friendly nation.

#### STATEMENT OF I. WILLIAM ZARTMAN, PROFESSOR, NEW YORK UNIVERSITY

Mr. ZARTMAN. I would like to talk about four matters reflected in my testimony and in some way going beyond it. You have a copy of my written statement. I also ask that my paper prepared for the Council on Foreign Relations be included in the record.

Mr. SOLARZ. Without objection.

Mr. ZARTMAN. The first relates to conflicts, the second to principle, the third to interest, and the fourth to solution.



First of all, I think in regard to conflicts, it is important to realize that we are dealing with a conflict of decolonization, and we are dealing with that conflict within the context of a larger conflict. It really is in ignorance of the situation to state that the basis of this conflict is the riches in the territory. This conflict is an historic conflict; it relates to the claims of the Moroccan kingdom over this area, a kingdom that has been a recognized state for a number of centuries and, as I will develop later on, had a certain amount of expectation of recovering its territory.

If there were the kind of possessions that are talked about in this desert in regard to richness, then they would have been developed by Algeria or by France before it, and the idea that the western Sahara can feed Morocco and Mauritania together is a kind of wild imagination.

But this conflict is also found—and I think this is important—within the context of a larger conflict of a balance of power in the region between Morocco and Algeria. These are two growing states, young states, that are kind of elbowing their way as they develop, and developing a relationship between each other in which the Spanish Sahara, western Sahara, is simply an irritation between them as their relations work out.

It is true that the Polisario today has a life of its own. It is certainly not true that that life is totally independent of Algeria or that Algeria has nothing to do with creating it. In fact, if Algeria stopped its support of the Polisario, it could not exist, it could not get the arms that Libya sends it, and it would have a tough time continuing its own military activity which is undeniable.

What is important in the conflict then, I think, is the area balance between the two powers, not one side or the other, but the maintenance of a balance between the two states, not a matter of right, but the continuation of an equilibrium between two parties in which one side or the other's winning is not in our interest, in which a balance is in our interest.

This conflict is much larger than the conflict of the Polisario itself. We have heard a lot so far about the Polisario, but not about the area, the context in which it fits.

Second of all, the principles. We have heard a lot about self-determination and that is certainly one of the principles involved. We have also heard that decolonization never took place. I think we ought to stop and recognize that if this has been noted as a principle today in Africa, we are opening up an entirely new extension of the notion of decolonization in which any liberation movement can come to the fore with outside support and say that an African state now is exercising colonization over a part of the territory that it claims to represent.

Another principle that is important to Africa as well is the principle of Balkanization which is not mentioned enough. Everybody is aware of the way that map looks. These are colonial boundaries we are talking about. There is nothing natural about them, and the perpetuation of the state in this area is not only an element of instability, but also is one of the worst examples of Balkanization, something that is important to African leaders and people who look at Africa.

I think in principle we also ought to pay some attention to Morocco's notion of principles and its idea of returned territories. Morocco,

after its independence in 1956, or beginning with its independence in 1956, received back a number of its territories that were recognized as part of its historic state, including the International Zone of Tangier, Ifni, and Tarfaya. There was no referendum at that time. The self-determination was expressed by the people 10 years later, in 1969, in Ifni. There was no self-determination in the specific sense that is being talked about now. Therefore, it was quite reasonable for Morocco to expect in 1975 that this same kind of process would continue, particularly since this represented the last of the claims that Morocco had over this territory.

In addition—and I won't go through all the details of it as you know, there was the expression of the Saharan Jama, that if we look at its composition as a partially directly elected body was exactly the same kind of body that expressed its wish for independence in a number of the other territories. If you compare the composition of the Jama with the National Assembly of Somalia, which voted in 1960 to accept independence, it is really hard to make a distinction.

Saharans have elected their representatives to Rabat and have elected their local councils within the territory in 1976, just like Mauritians voted for the former President ould Daddah, and for representatives to the former Mauritanian National Assembly in their territory. It is reasonable to expect to consider these as applications of principles of political participation and self-determination as well.

My point in this is that if the Polisario has a claim on certain principles, Morocco has a claim on certain principles as well. Again, it is not a question of simply principles being pushed aside.

The third element is the matter of interest. That is really what we as Americans have to be concerned about. Our interest is in stability in this area.

I would suggest for greater discussion afterward, if you will, that the Sahara is unlikely to be a stable state in the region.

It is interesting that Mr. Houser said the Polisario is the best organization, and he caught himself, and he said he means the best-organized organization. I suggest that is not in the American interest—best organization. U.S. interest is in avoiding a war; and we should make no doubt about it—there is going to be a war if this continues.

The Moroccan army cannot stand by and see itself attacked within its own territory, not within the Sahara, 2 days ago at Fom el-Hassan in Moroccan territory, by people based in Algeria, and then simply respect these borders. The U.S. interest is in area balance and not one side or the other winning. U.S. interest is also in good relations with both sides and certainly there is an Algerian interest in the conflict.

The U.S. interest is in some support for Morocco as well. I think it is important here to recognize that Morocco and the United States have had common interests in Africa and continuing interests in the Middle East.

As you mentioned, Mr. Chairman, the Moroccans helped in the stabilizing operation in Shaba. They also helped in the earlier operation in the same country in the Congo. They have prepared the Sadat initiative at Camp David. Some people have suggested, how is it that they have denied their participation in this, and I think we should recognize that we might do the same thing.



Morocco has helped pull our chestnuts out of the fire in the Middle East and Africa. When it comes to their chestnuts, we have not even given them a glove; instead, we act as if we don't want to let them help defend themselves.

I don't quite see what is so sinister about Moroccans using American arms to defend itself in its own territory, or in a territory whose administration by Moroccans we recognize. We recognize the administrative presence of Morocco in this area.

U.S. interest is in developing stable states. It is important to recognize we are talking about two states that have been developing, institutionalizing, and proceeding in a rather exemplary way among the Third World countries. Algeria has made remarkable institutionalized transfer of powers in recent months.

Morocco for 25 years has kept a multiparty democracy going within the monarchy. It has had problems, as all states have. If we look at countries where a free press exists to a large extent, where free trade unions exist, where there has been a multiparty system, we see a rare country here in the Third World.

If Moroccans lose completely in this, the monarchy will fall and we will find ourselves in a situation where we have an unstable anti-western military regime; something that is not at all in our interest, and this is our problem.

Let me terminate, finally, with the last element, and this is the question of solutions. I hope I have made at least the point that the solution here should neither be a matter of right but a matter of balance, not a matter of sides but a matter of finding something that fits into the relations of the area.

I think what is important here is American good offices for a negotiated solution, modified status quo, in which Morocco ratifies the 1972 treaty with Algeria and gives it a stable, secure boundary and gets Algeria's agreement to a solution in which Algeria joins in a settlement before it loses Polisario to Libyan domination or Libyan influence, which is another element to take into account and in which Polisario, for example, will get the Tiris, the Mauritanian province, in a federated relation which under the present treaty between Mauritania and Morocco would allow it to share, to participate in the mineral wealth in the northern part of the area.

Monrovia makes it now ripe for countries with good relations with the parties to help them out of this problem: but we can't lose very many more opportunities of this kind. I think it is important for the United States, with France, Spain, Saudi Arabia, and other African countries, to work toward a solution along these lines.

Thank you.

[Mr. Zartman's prepared statement follows:]



PREPARED STATEMENT OF I. WILLIAM ZARTMAN, PROFESSOR,  
NEW YORK UNIVERSITY

The conflict in the western Sahara is above all a conflict in power relations between Morocco and Algeria, two important states in the African, Mideast and Mediterranean regions and two states of strategic, political, and economic importance to the United States. These states are now locked into positions of total conflict over the western Saharan issue and are moving toward a wasteful, pointless, foreseeable war that will leave both parties weakened, wounded, and resentful whatever its specific outcome. They need help in avoiding this catastrophe, a work of good offices that is as important to the United States as its current efforts in Nicaragua or Korea and almost as important as mediation in the Middle East. Solutions are available and, above all, time is short but ripe.

Even if one does not agree with their positions, it is important to understand the basis of each party's attitude in order to come to a minimally acceptable resolution. Morocco regards the western Sahara as the last part of its historic kingdom to be recovered from colonial rule, just as the international zone of Tangier, Tarfaya and Ifni were reunited with the rest of the kingdom after 1956. Although a legal case will not be argued here, it does take a rather intricate and agile legal mind to draw a valid distinction between the decolonization of Ifni and Tarfaya, on one hand, and Spanish Sahara, on the other. It should be emphasized that, important as they may be, the phosphate deposits in the territory are secondary in Moroccan eyes to its historic inclusion in the kingdom; it should also be emphasized that

despite the difference conclusions it drew from the fact, the International Court of Justice clearly recognized the existence of such legal ties between the kingdom and the western Sahara. Furthermore, Morocco feels that it provided the means of decolonization of the territory by negotiating the passage of administrative authority from Spain in the Tripartite agreement of 1975.

It also regards the requirement of self-determination to have been met both by the votes of the Saharan jama' in 1975 and 1976--a representative body directly elected in part and similar to the assemblies which voted on decolonization in Somalia, Sudan, Libya or the French African territories--and by the Saharans' election of local assemblies and national representatives in the Moroccan elections of 1976 and 1977. Finally, Morocco feels strongly on this issue because it has given up similar historic claims, notably against Mauritania and Algeria, in recognition of their independent status, and the Saharan region is the last and irreducible portion of the claim. The Moroccan political system has been strongly united about the issue, which was a major plank in the parties' platforms before it was a royal demand, leaving little leeway for retreat.

Mauritania's position originally derived from former President Mokhtar ould Daddah's vision of a greater Mauritania, uniting similar peoples in a geographically compact state. Participation in the Tripartite agreement appeared to assure Mauritania two major political goals: reunification of many desert families formerly divided by an artificial border (as ould Daddah put it), and Morocco's support and renunciation of any claims threatening Mauritania. The Tripartite agreement with Spain and Morocco transferred authority over the Spanish Sahara to the two neighboring states, and the subsequent agreement with Morocco of 14 & 16 April 1976 established a partition line between the two parts of the territory. In June 1978, ould Daddah was overthrown in a military coup; the military government of Col. ould Saleck pursued the possibly contradictory goals of ending the war against

the insurgents (in order to relieve the country of its heavy burdens) and winning the war (in order to restore the army's prestige). The Saharan guerrillas for a year helped resolve the dilemma by suspending operations in Mauritania, and the Mauritanian army left the guerrillas unhindered in the southern part of the western Sahara (Tiris al-Gharbia). The gradual removal of the Ould Saleck government, by a second military coup, in early April and early June, has not altered the dual goals of Mauritania, and the government of LtCol Ould Louly and Ould Haidalla hopes for a negotiated settlement acceptable to all parties.

Algeria repeatedly states that it has no claim to the western Sahara, a disclaimer made so often as to begin to sound suspect. Algeria's position is based on its historic sympathy for national liberation movements and its solid commitment to the principle of national self-determination. Although its interest in the area is far more remote than Morocco's and Mauritania's, the personal engagement of the late President Boumedienne behind these principles and the continued support of President Benjedid in the absence of compelling reasons to the contrary have made the issue one of such public commitment in Algeria that it would be difficult to change policy rapidly. But Algeria has its own interests too. Algerian discussion of the issue is frequently in terms of "the balance in the area," and they see the Moroccan annexation of part of the Sahara, with its phosphates as well, as a threat to Algerian predominance in the region and the basis of a dangerously strong Moroccan government. If there has been little Moroccan desire in the past to show any flexibility because of attachment to the territory at stake, there has been no more Algerian willingness to be flexible because of the issue's larger context. Thus, when after Boumedienne's death, Morocco raised the matter of the planned meeting between him and King Hassan in Bruxelles, the Algerian response was to deny that such a meeting had been planned, since the parties were so far apart on Sadat's initiative in the Middle East. However, Algeria also has an interest in obtaining recognition of its Moroccan border and in cooperation in local mineral



exploitation and evacuation, two points in a 1972 unratified treaty with Morocco.

It must be remembered above all that the western Saharan issue is important and intractable because it is an element in a larger conflict between two dynamic rivals, similar in size and potential, opposite in ideology and political system, and so close culturally, ethnically and linguistically that conflict becomes functional as a way to develop separate identities. The Moroccan-Algerian conflict is the Franco-German rivalry of northwest Africa and cannot be overcome except through assistance from the outside, conscious decisions on the part of the parties, and an overarching framework within which the parties can pursue a peaceful coexistence.

There is another party to the conflict whose interest and existence would be hard to deny. The Polisario Front is both an Algerian creation and a going concern. Deprived of arms through and from Algeria and sanctuary in Algeria, it would soon run into military difficulties. But it has mobilized the people under its control into a nationalist force and created a national consciousness which did not exist before. Without going into a political analysis of the Polisario, three remarks can be made about its strengths. First, it has been gradually effective militarily. In 1978, it made war so costly that Mauritania dropped out of the fight; in 1979, it has forced the Moroccan army to abandon territory and outposts and has made some demoralizing raids into pre-1975 Moroccan territory. Second, it is an element of Algeria's inflexibility, for it has enough life of its own and international recognition to embarrass the Algerian government seriously if the latter should withdraw its support. Third, its political success is testimony to its organizational capabilities in the heat of the struggle, but not to the preexistence of a "Saharan nation" or to the continued coherence of a Saharan nation-state. The tribes of the western Sahara have a millennial history of dissidence against constituted authority, solidarity (*'asabiyya*) under combat, and disintegration once in power, and most recently the Mauritanian Peoples Party, once an effective mobilization party which built a new nation, gradually lost its cohesion after only a decade in power. In this area where any boundary is artificial, some Polisario leaders were born in Spanish Sahara, some in Morocco, some in Mauritania.

The Polisario has never made a very strong demand for self-determination. It feels that it is the sole legitimate spokesman for the Saharan people and the political arm of the Saharan Arab Democratic Republic (SADR) which it decreed in 1976. Although it proclaimed a unilateral cease-fire in Mauritania after the June 1978 coup, it has not been able to complete negotiations for the establishment of the SADR in the Tiris; as long as the war in Morocco is going well, and the OAU, Non-Aligned and UN meetings in the summer and fall of 1979 offer hopes for further diplomatic recognition, it has no reason to lower its goals below total independence for the whole territory.

The other states with interests in the area are more flexible. Under pressure from Algeria and its own Socialist opposition, the Spanish government has begun to waver in its commitment to the Tripartite agreement, signed before Franco's death. French policy has been to protect its citizens, support a balance of forces in the conflict, and work for reinforced ties with Mauritania, which combined to produce a policy supportive of Morocco and Mauritania. After the Mauritanian coup of 1978 and restored communications with Algeria, however, French policy in 1979 has moved to greater neutrality. The Soviets have been discrete, although their arms are being supplied by Libya and Algeria to the Polisario, but they have close political relations with Algeria and commercial relations with Morocco (the opposite of the American position). Thus, three important states with interests in the region are relatively free in their policy and able to join in a mediation effort.

The UN has generally declined to act as long as the OAU was seized of the issue. The OAU is currently debating the conflict and will hear a report from its Committee of Wise Men recommending self-determination. Morocco and Mauritania have been able to block action by the OAU until this year by threatening to withdraw from the Organization but that threat has only been effective at the level of the summit meetings; in the OAU Council of Ministers, Algeria and the Polisario have found greater--if inconclusive--support. The OAU is tired of

and embarrassed by the affair, for its members prefer issues on which they are unanimous or disputes which they can reconcile; as presented thus far, the Saharan issue has been one over which not only competing parties but competing camps of moderates and radicals seek a decision by a necessarily narrow majority, splitting the Organization.

The current situation in the western Sahara is characterised by Moroccan control of the population centers within its area, unhindered Polisario movement and installations in the interior and an ability to launch increasingly deeper raids into pre-1975 Morocco, a growing economic burden and some domestic grumbling in Morocco, a level of diplomatic recognitions among African states for the SADR which is still about 10 short of an OAU majority but which could gain extra support at any time from among states with no interest in the area but a willingness to grant recognition in exchange for support on issues of interest to them. The Polisario does not appear to be short of arms supplies and augments them with armaments captured from the Moroccans; the Moroccans do not seem to be particularly short of arms, although increased counterinsurgency weapons would be useful, but are hindered by an inflexible command structure which leaves little initiative to the field and a lack of morale, mobility, and even responsiveness.

The most propitious situation for negotiation would be a prolonged stalemate, where for example Moroccan troops held the population centers, Polisario was restricted for bases to its refugee camps within Algerian sanctuary, and the interior was an indecisively contested no-man's-land, a situation which obtained during 1978 until early 1979. Since then, however, Polisario incursions into Morocco have altered the stalemate, broadened the conflict through escalation of both ends & means, and, unless the opportunity for reconciliation is seized



from outside, will have gravely extended the conflict instead of resolving it. If PoLiSaRio attacks continue into Moroccan territory from privileged sanctuary in Algeria, the Moroccan army is likely to turn either to direct attack on Algeria or to a military coup against the monarch. As Morocco, Mauritania, and Algeria know, armies have a way of acting on their own, independent of state control, in certain well-defined circumstances. Neither of these eventualities is in any party's interest, nor will it resolve either the Saharan issue or the broader conflict in relations between Morocco and Algeria.

A military defeat of either side would have serious consequences for the losing regime. Col. Benjedid's moderate government is stable but new, and a defeat could produce strains on the newly-established record of institutionalization in Algeria. A Moroccan defeat would produce a threat to the existence of the entire monarchical system, not just to Hassan II, but would bring to power a regime--probably of the military--which would be more, not less, hostile to Algeria and less, not more, capable of taking the necessary decisions to resolve the dispute between the two countries. The Moroccan and Algerian armies are about the same size, around 100,000, but the Algerian army has undergone a more thorough modernization program with Russian arms and its airforce is superior to Morocco's. Although the war would most likely remain a border war, a Moroccan drive against the heavily defended but exposed Algerian salient in Tindouf, where the PoLiSaRio camps are located and where Moroccan territorial claims formerly applied, would doubtless be countered by an Algerian drive across the Moulouya plain from Oujda to Taza, where the first natural defence features are deep inside the country.

Algerians have frequently implied that a change in the Moroccan political system would bring a regime that would be easier to deal with, perhaps even a socialist regime that would be ideologically closer to its neighbor. There is nothing that supports such misplaced hopes, and the experiences of Libya, Syria

and Iraq vis-a-vis Egypt suggest quite the opposite. Morocco has hoped that an occupation of the Sahara would cause the Polisario nationalism to disappear; whatever hopes there might have been for such an eventuality if Morocco had been militarily successful, it seems unlikely now. Finally, it has been suggested by observers in Algeria that the best thing might well be a war that ends in stalemate, like the Morocco-Algerian war of 1963, allowing both sides then to claim that they had made the effort and were ready for a settlement, but there is no guarantee that the war end in a stalemate or that a settlement would follow. There is a certainty, however, that the war would be costly for two countries, both of which have shown some good progress toward development.

Thus, neither principle nor war provides a solution for the specific conflict in northwest Africa nor for its broader context. The combination of stalemate and impending catastrophe, however, do provide a moment propitious for conflict management and possibly even conflict resolution. For this, the good offices of states with ties with both parties--such as the U S, France, Spain, even the Soviet Union--are required to help the parties off the limb and out of their zero-sum conflict.

America's direct interests in the western Sahara are minimal, but the general region of northwest Africa is highly important to U S national interests. The region is important precisely because it is Arab, African and Mediterranean (and Atlantic) at the same time. Located at the mouth of the Mediterranean, on the northernmost Atlantic coast of Africa, and on the westernmost extension of the Arab world, Morocco and Algeria occupy a strategic position. Morocco, the former site of American naval and air bases, continued to permit an American military communications presence after the evacuation of these bases. Morocco's foreign policy has long moved in the same direction as American interests: Morocco was an active participant in ONUC in the first Congo

crisis, and was the primary component of the stabilizing African force in the two Shaba affairs. It also was a strong Arab supporter of the Sadat initiative in Jerusalem in 1977 and would doubtless be a supporter of the Washington treaty if it felt that there were an equivalent concern for its interests in northwest Africa on the part of the United States. Morocco is a leader among moderates in the Arab League and the OAU; for the moment, its freedom of action is immobilized by its need for support in the Saharan affair.

Algeria is one of America's top four suppliers of petroleum products, and has been the leader of a more radical current in the OAU and the Group of 77, and a member of the Rejectionist (Steadfastness) Front among Arabs. For this reason, American relations with Algeria are important as well, and it would be shortsighted simply to pick sides and turn against one party or the other. But an avoidance of sides need not mean a passive policy. An active approach in concert with other states that helps the parties out of their conflict and restores the possibilities for better cooperation in the region is one that can retain the greatest degree of freedom of action for the United States and can be viewed positively by both sides.

Another point of interest that both parties have for the United States is the success that each shows in political development toward a more moderate and stable form of government. In a world where much of the developing world is having trouble keeping its political system together, Morocco's thriving multiparty system and relatively free press and elections and Algeria's institutionalized transfer of power within a participatory single-party system are matters of note and promise. If revolution and unrest are the Soviets' long suite, responsive dynamic stability should be America's.

Finally, although it may be unpopular to raise the issue when the right to life of smallest states born of national liberation movements seems so



unquestioned, interests in the creation of a SADR should be discussed. An independent western Saharan state would be the smallest state on the continent of Africa, rich in phosphates and not much else, and a continual source of instability in the region. Its weakness would cause it to look continually for outside support and to play off its neighbors against each other; when neighboring sources of support were exhausted, it could be an attractive strategic investment for outside powers. SADR has all the weaknesses of a Mauritania compounded, and is the ultimate example in the balkanization of Africa by the heritage of colonial conquest. Despite tactical positions of the moment, such a source of instability in the region is not in the interest of Morocco or Algeria, nor of the United States. Positive, productive, stabilizing regional cooperation among existing parties is the alternative that responds to their interests.

American policy to date has been paralyzed and inactive in the Saharan dispute. It has been hung on moralities and legalities and therefore has been unresponsive to the needs of either side or to its own interests. When the US thought itself unable to supply some of the weapons that Morocco needed to provide security for the administration which the US recognized, it did nothing to use this refusal to elicit a positive demarche from the other side and thus move the conflict toward an end. We have focussed our debates on the issue on principles alone, without taking full account of our interests.

If the time was not ripe before, American policy should now above all be working for a meeting of the two states' leaders to work out a solution whereby each will "get alot by giving up a little," in a more certain and less costly way than by continued or escalated war. The ingredients of this solution are already present in an improved status quo. It would include Moroccan ratification of the 1972 border convention, ratified in 1973 by Algeria, which would provide territorial security for Algeria and also bilateral cooperation

on mineral exploitation and evacuation in the region; a recognition of Moroccan sovereignty over its currently-administered area; and a Saharan regime in the Tiris which, federated with Mauritania, would by existing treaty be able to share in the riches of the Moroccan Sahara. The notion of federation was raised in several quarters a year ago, after the first Mauritanian coup, and was rejected by Morocco and the Polisario, but times and the Algerian leaders have changed.

This type of a solution is unlikely to be adopted unchanged; conflict resolution does not work that way. It can be modified in a number of ways--new borders, special status for Moroccan Sahara within the Kingdom, special referenda to ratify political agreements, resurrection of the idea of a Common Organization of the Saharan Region among the three states alone--without affecting the essence of the solution. In a stalemate confronted with escalation, each party begins to want to formalize what it has, even more than it wants to gain something further: in this case, Algeria to consolidate its half-ratified cooperation and border agreement, Morocco its half-administered provinces, Polisario its half-occupied territory. Earlier, the time was not ripe for this perception to develop. Now it is, because now the escalation looms and the chances of further gains are too uncertain. Algeria's interest is in a settlement before the Polisario in whole or in part switches to the Libyans and the chances for a border and cooperation with the Moroccans are lost; Morocco's interest is in a settlement before it loses its provinces, its army and its throne. The mediator's job is to develop the parties' perception of the situation and the outcomes, to change "objective" into "subjective" ripeness. The presence of both Hassan and Benjedid at the OAU meeting in Monrovia would have facilitated the job; in the absence of their meeting, the mediator is more important than ever. The United States, working with France and other European and African countries, as friends of both sides, would do well to press for such resolution before it is too late.

Mr. SOLARZ. Thank you very much, Professor.

There seems to be disagreement among the witnesses today about not only the situation in western Sahara but also what can be done about it. Perhaps during the course of the questions and answers we can clarify your differing points of view.

Could each of you very briefly give us your estimates of the size of the Saharawi population, both inside the western Sahara as well as in the Polisario camps in Tindouf? Could you simultaneously indicate what the basis of that estimate is?

Mr. Houser, do you want to begin?

Mr. HOUSER. Let me observe that that question is a tricky one. It is tricky because it is a small country and the point that those who are not so sympathetic to Polisario would make, is that because it is small it is not important.

Now, having said that, the statistics differ a great deal; they range from the census that Spain had, of 74,000 or so, up to a Polisario estimate of 750,000; based on what, I don't know. If you take a census inside the boundaries of what was Spanish Sahara, which is where it took place, how many people are you leaving out among those who might have been in certain areas of Mauritania or in the southern part of Morocco, or even in Algeria?

Mr. SOLARZ. When was the census taken?

Mr. HOUSER. In 1974, I think. So you have had estimates that have put it in the neighborhood of 500,000 as well?

Mrs. FENWICK. Who gives that?

Mr. HOUSER. I think that came from a U.N. agency.

As I say, it is a tricky question. I am concerned about the trickiness of it.

Mr. SOLARZ. At the moment, do you have any estimate of the number of Saharawi in Tindouf in the Polisario camps there?

Mr. HOUSER. In various camps? Again, the estimates differ a great deal from, say, 25,000 up to as high as 100,000. All I can say is that there are thousands of people there. There has been no proper census taken. I doubt if there is going to be.

Mr. SOLARZ. Is it your impression at the present time most of the Saharawi are in the Sahara, or are they in Tindouf?

Mr. HOUSER. The only Saharawi people who are still in the western Sahara are those who are living in the occupied areas, because when you talk with the people who are in the camps and ask them, "Where do you come from?" They will tell you where they came from. "When did you leave?" "We left when either the Moroccans or the Mauritians"—depending on what part of the country they came from—"attacked and bombed." They walked across the desert to the only place that was available to them to go, which was to the camps in Algeria.

In visiting the liberated towns of Tifariti and Amgala, you only find the Polisario people there; you do not find the, shall we say, the citizens; they are in the camps.

Mr. SOLARZ. Professor Lippert?

Ms. LIPPERT. In the first page of my testimony I made some references to that, which I didn't read today.

Again, it seems to me that I share with Mr. Houser some difficulty in giving an actual figure. We have the 1974 census. I have indicated in the paper why I thought the Spanish were low on that. In addition



to the Saharawi, it seems to me there would have to be, if their figures are correct, somewhere between 100,000 and 110,000 in the camps around Tindouf.

Then you have Polisario fighters. I know there are supposed to be 40,000 Moroccan soldiers. I assume there are not 40,000 Polisarios in western Sahara, but I don't know.

Then you have the additional Saharawi who are actually in the occupied zone in the western Sahara.

Mr. SOLARZ. How many are there in that category?

Ms. LIPPERT. I don't know, because there are also some of those people in occupied cities that were Moroccans. I was told there were more soldiers who had been brought in the western Sahara and were promised jobs.

In regard to the population, I also referred in my paper to the, repressions by the Spanish in the late 1950's and again in the 1960's, a number of Saharawi did flee into northern Mauritania and southern Morocco. So you still have some Saharawi population in those areas.

Mr. SOLARZ. Is there any reason to believe at the time of the 1974 census that substantial numbers of Saharawi were outside of the Sahara?

Ms. LIPPERT. Yes.

Mr. SOLARZ. Is there reason to believe they were perhaps greater than the numbers still there?

Ms. LIPPERT. I don't know. It is possible. I can't give an absolute number. I would have to do some counting myself.

Certainly with the repressions, yes, in the 1950's and 1960's. The resistance in that area to the Spanish went on through the 1960's into the 1970's, and even around the time of the census.

Mr. SOLARZ. Mr. Zartman?

Mr. ZARTMAN. There are four components to the population: First of all, there are those who fled to Morocco from the late 1950's on. Maybe as just a wild order of magnitude, 10,000 at a maximum. It is not significant in terms of your former question, nonetheless a number.

Second of all, those who have fled to Algeria after 1975; and third of all, those in the Spanish Sahara and the subject of the referendum; and, fourth, the nomads that go through, because this is an area in which the nomadic population goes from Mali into southern Morocco following the rains.

If one takes two indications that we have the figures for, the participation in the Moroccan elections in 1975 and 1976, and uses the same participation percentage, we come up with about now the same figure, 75,000 people.

If one takes, let us say, an enlarged figure in the camps of 50,000, that gives us 125,000. If you come up to 150,000, maybe that is an appropriate inflation, probably a maximum inflation and way, far away from the 750,000 or 500,000.

Mr. SOLARZ. Where did you get the figure of 75,000 inside?

Mr. ZARTMAN. From the Moroccan election participation. Applying the rate of participation on the national average to this area, which is kind of a reasonable guess.

Mr. SOLARZ. Are you saying 75,000 voted?

Mr. ZARTMAN. No. I say applying the rate of participation and then adding on the rest of the nonvoting population, there is about a 60-percent participation. If we take the total figures and consider them at 60 percent of  $x$  and work that out—

Mr. SOLARZ. What reason is there to believe that the rate of participation in the Sahara was the same as the rate of participation in the rest of Morocco?

Mr. ZARTMAN. We don't know that it was exactly the same. We have no reason to suggest that it was wildly different; that is all; because the Polisario people had fled, as they themselves claimed. That is just a rule of thumb.

Mr. KNIGHT. I would like to point out that using those figures is pretty arbitrary. In fact, during those elections, one town—I can't remember the name—had its votes thrown out. At that time an American journalist was in that town when the Polisario guerrillas liberated it. There were no civilians in that town; there was a vote registered and somebody was elected to the Moroccan parliament.

Mr. SOLARZ. I gather you agree that like in our country, we know they are there, but we don't quite know how many there are.

On the question of American military equipment which is being used in the Sahara, could you tell us precisely what kinds of American military equipment you were under the impression the Moroccans are using in the Sahara, other than the F-5's?

Ms. LIPPERT. I am not a military expert. I have had to ask some people. There is the C-105 I guess that is a gun that is used.

Mr. SOLARZ. C-105? What is it used on?

Ms. LIPPERT. It is a machinegun kind of thing. Last summer I took a lot of pictures of the crates which I sent to the committee.

Mrs. FENWICK. I have one here.

Ms. LIPPERT. Of the crates of equipment that was found?

Mr. SOLARZ. Do you know whether we have provided that to Morocco or whether they bought that on the international arms market?

Ms. LIPPERT. At Amgala this summer we picked up shells that matched a machine gun that was made in Dayton, Ohio. I guess the bullets were made in 1976.

Mr. SOLARZ. What kind of machinegun?

Ms. LIPPERT. I think C-105.

Mr. SOLARZ. Do you know if we actually sold that equipment to Morocco?

Ms. LIPPERT. In certain cases, at least in the early part of the war, we used, as I understand, Jordan as a conduit. We would get the equipment to Jordan and then approve the transfer of equipment from Jordan to Morocco.

Mr. SOLARZ. Any other equipment?

Ms. LIPPERT. Aside from the F-5, there is another kind of machinegun that is used. If I could refer to some notes. There was a hearing that was held here a couple of years ago, by the House Armed Services Committee. They listed in there another kind of machinegun that had been transferred to Morocco.



Mr. HOUSER. We know about the sale of Chinook helicopters which has been proved. According to material which we have received, there are about 20 Bell helicopters which are in El Aaiun, and about 5 F-5A jet supersonic planes.

Mr. SOLARZ. What are the Bell helicopters used for?

Mr. HOUSER. They are very useful for surveillance and for transporting, not heavy transporting; the Chinook is; the Bell helicopter is not. It would be more for surveillance.

Mr. SOLARZ. Has the Chinook been sold to them yet?

Mr. HOUSER. I am not certain, but I believe so, because it was approved, I believe, in February of this year.

Mr. SOLARZ. But you do not know if it is being used yet in the Sahara?

Mr. HOUSER. I didn't see any of them myself.

Mr. SOLARZ. Would either or both of you be opposed to our selling military equipment to Morocco that was clearly not suitable for use in the Sahara?

Mr. HOUSER. I would simply say that that is a different question.

Mr. SOLARZ. I know it is a different question.

Mr. HOUSER. We are talking about the western Sahara. If you mean, speaking for myself, do I have an anti-Morocco bias, as far as getting equipment is concerned, I would just say that must be decided on its merits.

Mr. SOLARZ. I am asking you the question. My question is: Are you opposed to providing military equipment to Morocco that is not suitable for use in the Sahara?

Mr. HOUSER. I pointed out I was opposed to Moroccan troops going to Zaire. I would like to know what it is going to be used for before I give a carte blanche answer on that.

Mr. SOLARZ. Used for defense of Morocco.

Mr. HOUSER. If it is something for internal use in Morocco, that is a different question. What I know is that equipment which is supposed to be used in Morocco has been used in the western Sahara. Now, what is it that would be useful to Morocco that could not be used inside western Sahara would be a critical question.

Mr. SOLARZ. I don't know what is in the Moroccan military inventory, but I asked you to describe what weapons they used in the Sahara, and you gave me a pretty paltry list. I don't mean to diminish the significance of the F-5. We all know that is being used. You mentioned some helicopters that may or may not have been sold to them. You said Bell helicopters are located in El Aaiun. There was reference to machineguns and machinegun bullets. If those are the only weapons used in the Sahara, then obviously they must have lots of military equipment they are not using in Sahara, because the army and air force do not consist of four items of military equipment. It must be much more.

It seems to me at least in theory that military equipment they are now getting, they are not using there.

Mr. HOUSER. There is a lot of military equipment which is not coming from the United States also. Nor would it necessarily make the case that Morocco is dependent entirely on the United States for



what it does. I think the decision for the United States is, is this country going to supply any kind of military equipment which can be used in the western Sahara, even if it is five or six Chinook helicopters?

Mr. SOLARZ. I understand your position on that.

My question is, if we could be reasonably certain that the particular item of military equipment would not be used in the Sahara because it simply was not suitable to the Sahara, leaving aside what that was, which was presumably designed to enable the Moroccan Government to provide for its own security, would you be opposed to the sale of that equipment as a matter of principle in the same way you are opposed to the sale as a matter of principle of military equipment that could be used in the Sahara?

Mr. HOUSER. At the present time, I would.

Mr. SOLARZ. Why?

Mr. HOUSER. Because I believe that the United States should stop military assistance to Morocco as long as Morocco is occupying the western Sahara. That is my principle reason.

Mr. SOLARZ. Even if the military equipment we would be selling them is in no way suitable for their military occupation?

Mr. HOUSER. I think it is to the best interest of the United States and for stability in the territory, for the United States to use what influence it has to bring this conflict to a stop, and it cannot bring it to a stop by supporting Morocco.

Mr. SOLARZ. Professor Lippert, what would your answer to that question be?

Ms. LIPPERT. I suspect my answer would be along the lines of Mr. Houser's. The only point I would like to make is that I am also very leery of saying for use in Morocco, because the argument or discussion that is going on between Morocco and our State Department is whether the western Sahara is or is not Moroccan territory.

So, the Moroccan Government says that "anything you have sold us is for use for the defense of Moroccans. We consider western Sahara part of our territory."

Mr. SOLARZ. I understand that. Even if there were military equipment not suitable for use in the western Sahara, you would be against our selling it to Morocco?

Ms. LIPPERT. In light of the fact that we have since 1975 really not been too strict with Morocco with regard to the 1960 agreement. I think after 3 years' time that is enough time to discuss the thing and say at some point, "OK, you stop."

Mr. SOLARZ. Professor Zartman, what would be your view of whether we should sell military equipment to Morocco under existing circumstances which would be suitable for use in the Sahara?

Mr. ZARTMAN. I think it would be totally blind and irresponsible for the United States operating in this part of the world to disarm Morocco next door to Algeria, which has just been modernized with no questions asked, by the Soviet Union, and through whom Soviet arms are flowing to the Polisario.

Maybe one does not agree with American policy anywhere in the world, or in Africa, such as the Shaba affair, and so on, but I think that is a much broader matter, and I think it would be very irresponsible not to supply and not to continue the arms that we have, in fact, contracted to furnish.

Mr. SOLARZ. My question is not whether we should or should not sell arms to Morocco. My question is: Should we sell them arms that are suitable for use in the Sahara?

Mr. ZARTMAN. There are two categories of arms in Morocco. Those suitable for use in the Sahara and those that are not. Your question is about those that are not.

Mr. SOLARZ. I am asking a different question. I asked Mr. Houser and Professor Lippert whether we should sell arms to Morocco which were not suitable for use in the Sahara. They both answered no. My question to you is: Should we sell arms to Morocco which are suitable for use in the Sahara?

I know what your answer would be to the question I asked them. You would say we should sell them arms that are not suitable for use in the Sahara. Should we also sell them arms which are suitable for use in the Sahara?

Mr. ZARTMAN. On that one I would not come down strongly in favor of selling them arms for use in the Sahara. It would be a little more of a nuanced answer and I would say that certainly there should be no cutback, no restrictions on the pipeline of arms that have been contracted earlier and that the nonsale of arms should be used actively in connection with a good overseas attempt.

I do not think the military problem of Morocco is above all a question of arms.

Mr. SOLARZ. But it is one of the problems that confronts us in the formulation of our foreign policy. So, I am not clear what your position is. You say you are not strongly against it. Are you weakly in favor of it?

Mr. ZARTMAN. Instead of selling the three items that they have requested, perhaps a small amount of one of the items, or alternatively an indication that—well, an indication to Algeria that it is an opportunity we missed before, that if we are not selling arms to Morocco we may have to in the future if Algeria does not join in a discussion. That is what I meant by diplomatic use of the arms sale.

Mr. SOLARZ. What arms are not suitable for use in the Sahara which Morocco might be interested in? Are there in fact, weapons we can give them that meet that criteria or is this a distinction without a difference, the idea that we will sell them arms which cannot be used in the Sahara?

Mr. ZARTMAN. I do not know. It was your distinction.

Mr. SOLARZ. It has been a distinction on which our policy presumably has been based for several years. We are trying to explore the extent to which that policy is based in reality, in fact.

Mr. ZARTMAN. I was thinking of the distinction between the specific arms that they have requested, the radar system, the observation planes, and the helicopters.

Mr. SOLARZ. You would be in favor of going ahead with that?

Mr. ZARTMAN. I would not be in favor—I am not coming through. I am sorry. I would not be in favor simply of approving this list, no. The thrust of my testimony is for a negotiated solution at this point. I do not think that the solution is to be found simply by giving a complete response to the arms request in Morocco.



I am saying that at this point the military fortunes are going very well for the Polisario. What is needed in bringing the parties together is an indication that none of the parties can get out of this situation militarily. This may require perhaps upping the morale of the Moroccan Army by supplying them with a small amount of one of these items, for example, but at the same time coupled with active diplomacy in order to bring the parties together.

Mr. SOLARZ. One final question before I yield. Are you aware of any military equipment which the Moroccans might like to have or which would be suitable to them which would not also be simultaneously helpful in the war that is now going on in the Sahara?

Mr. ZARTMAN. Which would not be useful at all, you are saying?

Mr. SOLARZ. Yes. I am trying to see whether there is any substance to this distinction on which we have presumably based our policy.

Mr. ZARTMAN. There are weapons. Heavy tanks, as far as I know, are not as this point in the war very useful in the Sahara, for example.

Mr. SOLARZ. Mrs. Fenwick?

Mrs. FENWICK. I would like to ask a number of questions, thank you, about the American Committee on Africa. What is it? Who is it? How long has it been going on? Who is the head of it?

Mr. HOUSER. I am the executive director. The president is Judge William Booth.

Mrs. FENWICK. Could you give me a list of the members? Judge William Booth?

Mr. HOUSER. Is this something I could submit to you later? We have a letterhead that includes members of our executive board and the national committee and you would recognize the names of many, including some of your colleagues in the Congress.

Mrs. FENWICK. That would be most helpful.

[The information referred to follows:]

#### THE AMERICAN COMMITTEE ON AFRICA

The American Committee on Africa, founded in 1953, is devoted to supporting African people in their just struggle for freedom and independence. ACOA informs Americans about significant African issues, mobilizes public support for African freedom, and works for policies which will strengthen this aim.

#### WHERE ACOA STANDS

ACOA recognizes the indispensable role of liberation movements in bringing the struggle for freedom to a successful conclusion.

ACOA supports the cultural and economic boycott of apartheid South Africa and Namibia, illegally occupied by South Africa, in accordance with the position taken by the Organization of African Unity and the African liberation movements.

ACOA is opposed to U.S. corporate investment in South Africa and Namibia which strengthens the power of the white minority regimes.

ACOA supports strict implementation of United Nations sanctions against the illegal white minority government of Rhodesia (Zimbabwe).

ACOA supports the newly independent nations of Mozambique, Angola, Guinea-Bissau, and Cape Verde in their nation-building efforts after years of colonialism.

#### HOW ACOA WORKS

Supports African liberation movements in Africa and in exile. The Africa Defense and Aid Fund of ACOA was set up in 1957 to provide this assistance.

Provides a forum for African representatives through public meetings, news media, conferences, speaking tours.

Opposes specific instances of U.S. corporate collaboration with apartheid through bank loans, trade, investments; and supports workers refusing to offload goods from white minority countries.



Arranges meetings with African leaders and reports on decisions reached.

Testifies before the Congress and the United Nations, and lobbies in coordination with the Washington Office on Africa to end government policies which foster colonial and white minority rule.

Acts through the courts to end practices supporting white minority rule in Africa.

Mobilizes prominent sports and entertainment figures to "Say NO to Apartheid" and refuse to perform before segregated audiences in South Africa.

Publishes books, pamphlets, fact sheets and in-depth reports and distributes resources in cooperation with The Africa Fund (associated with ACOA).

Communicates its message to Americans through radio, TV, press conferences, magazine articles, speakers, and occasional ads on issues of current importance.

Initiates action and cooperates with other organizations on public demonstrations, pickets, rallies.

#### EXECUTIVE BOARD

William H. Booth, President, Elizabeth Landis, Vice President, Dorothy Hibbert, Secretary, Tilden LeMelle, Treasurer, Elombe Brath, Marshall Brown, Robert Browne, Elsie Carrington, George Daniels, Michael Davis, Moe Foner, Mal Goode, Annette Hutchins-Felder, Janet Hooper, Jay Jacobson, Leonard Jeffries, William Johnston, David Lampel, Edgar Lockwood, Edward May, Gail Morlan, Lillian Roberts, Adelaide Schulkind, Frederick A. O. Schwarz, Jr., Michael Simmons, Leo Suslow, Robert Van Lierop, Peter Weiss.

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Ralph Abernathy, Bella Abzug, Sadie T. M. Alexander, James Baldwin, Roger N. Baldwin, Stringfellow Barr, Richard Bolling, Jim Bouton, Chester Bowles (Mrs.), Marguerite Cartwright, Jerome Davis, Max Delson, Robert Delson, Peter DeVries, Charles C. Diggs, Richard Falk, Walter E. Fauntroy, Carlton B. Goodlett, Seymour Halpern, Donald S. Harrington, Henry W. Hobson, Arthur N. Holcombe, John L. S. Holloman, Sophia Yarnall Jacobs, Clarence B. Jones, Sidney Josephs, Ledlie Laughlin, George M. Leader, Rayford W. Logan, Eugene McCarthy, Robert J. McCracken, John A. Mackay, John Marcum, Will Maslow, Howard M. Metzenbaum, Frank C. Montero, Frederick O'Neal, F. D. Patterson, Sidney Poitier, Melvin Price, A. Philip Randolph, Charles Rangel, Victor Reuther, Cleveland Robinson, William X. Scheinman, William Scott, George W. Shepherd, Hugh Smythe, Mark Starr, Hope Stevens, C. Summer Stone, Frank Thompson, Jr., Howard Thurman, Wyatt Tee Walker, Stan Wright, Robert Delson, General Counsel.

Washington Office on Africa (co-sponsored by ACOA), 110 Maryland Ave. NE., Washington, D.C. 20002, Tel. (202)546-7961, Director: Edward Lockwood, Associate: Christine Root.

Mr. HOUSER. Our committee was founded and was incorporated in the State of New York in August 1953. So, we are just about 26 years old.

Mrs. FENWICK. You have always been concerned with movements. Are you backing Mr. Savimbi's movement?

Mr. HOUSER. We go back to 1954, 1953 really. We have been in touch—this I think is what I said in my introductory remarks—with virtually every movement. Our objective has been to support the right of the African people for self-determination and for an American policy which would be supportive of this.

Mrs. FENWICK. Did you support Mr. Savimbi?

Mr. HOUSER. At the present time? At the present time we do not.

Mrs. FENWICK. Did you ever?

Mr. HOUSER. We have had contact with Jonas Savimbi.

Mrs. FENWICK. Have you ever supported the Savimbian movement?

Mr. HOUSER. It depends on what you mean by support.

Mrs. FENWICK. Supporting as you are now supporting Polisario.

Mr. HOUSER. No.

Mrs. FENWICK. Are you disturbed by Algeria's role in all this? Are they paying for the food in the camps and all that?

Mr. HOUSER. It comes from a number of different sources. I cannot detail all of them. Algeria obviously has to be of great assistance because every thing is coming through Algeria. There is assistance which comes from a good number of African countries. I know Liberia is.

Apart from North African countries, Nigeria, for example, then there are some international organizations. OXFAM in Belgium, for example.

Mrs. FENWICK. I get the picture. Thank you.

I wondered how you felt about the refusal to allow the International Red Cross to go in those camps. Why is that?

Mr. HOUSER. I mentioned in my remarks that the camps are administered by Polisarios themselves. They do not have international civil servants, nor representatives of international organizations, or of government that are administering them.

I think that they are not opposed to having representatives of international organizations to go in and take a look, but they are not prepared to agree for them to go in and participate in the administration.

Mrs. FENWICK. I do not think that was the question. Algeria, as I understand, has refused to allow access to the camps by the International Red Cross. Is that not true?

Ms. LIPPERT. It is not the International Red Cross. I think it is the High Commissioner of the U.N. From 1976 until almost the end of that year there was an international Red Cross representative there in the camps.

Mrs. FENWICK. Representative of the International Red Cross?

Ms. LIPPERT. Right. It is the High Commissioner on Refugees of the United Nations. I gather that the objection of Algeria was to the idea of somebody constantly there. They said at certain periods it would be appropriate. They were afraid of Tindouf, Algeria. That particular area is a military base actually.

Mrs. FENWICK. They did not want the U.N. there?

Ms. LIPPERT. I gather that because they would be able to see inside Algerian installations.

Mrs. FENWICK. We were told that the International Red Cross was denied entrance.

You spoke of the elections, Professor. Are there two parties?

Ms. LIPPERT. No. They have not developed a party system at present. The elections are on a regional basis. Mr. Houser mentioned the 23 camps and then the three wilayas.

Mrs. FENWICK. You mean they have one candidate for each office?

Ms. LIPPERT. Frankly I have not investigated that. I have been there when they have had some national popular meetings. I have been there at the time of some of their local elections. They propose people for elections to represent them to the national popular congress and then they are voted by the people in the camp.

Mrs. FENWICK. One person for each office? If there are not two parties, there must be one person for each office.

Ms. LIPPERT. We are talking about representatives to the national congress. It is not done partywise. It is done as we do in a town meeting sort of situation where we propose candidates to represent us, or as we did in the Democratic Party, people are proposed or



nominated to attend the midterm convention on a local level, and then on a regional level, and then on a national level.

Mrs. FENWICK. So, there are no parties?

Ms. LIPPERT. If there is any party, it is the Polisario; but that actually is a political organization. They do not think of themselves as a political party.

Mrs. FENWICK. Do you know of any Polisario attacks on the territory of Morocco?

Ms. LIPPERT. Yes; there have been attacks on Tan Tan, Morocco, and some other areas in southern Morocco. In fact, I have talked to prisoners from Tan Tan from the June 27 raid in the desert.

Mrs. FENWICK. Of what year?

Ms. LIPPERT. Of this year. That is why I made the point that I made in my written testimony and also in the oral testimony. One of the things that people are beginning to raise now is this question of the Polisario attacks on Moroccan territory. I repeat this again. I think it is terribly important to realize it was Morocco that invaded first the western Sahara, that territory.

Mrs. FENWICK. You did mention the invasion of the Moroccans, but you did not mention the invasion of the Moroccan territory. Are you a member of this Committee on Africa? Do you go under the auspices of some other group?

Ms. LIPPERT. Actually I belong to a group called the Saharan People Support Committee. It is a group of interested people that was formed in late 1977.

Mrs. FENWICK. What do you call them?

Ms. LIPPERT. Saharan People Support Committee.

Mrs. FENWICK. Could you give us a letterhead or whatever with names on it?

Ms. LIPPERT. The headquarters of that institution are in Ada, Ohio.

Mrs. FENWICK. Who is the head of it?

Ms. LIPPERT. I am currently the president and chairman of that.

Mrs. FENWICK. Is that a big group?

Ms. LIPPERT. Actually, it is as difficult for us to give the number in the Sahara Support Committee as it is to give the number of people in the western Sahara.

Mr. SOLARZ. Mr. Fithian.

Mr. FITHIAN. Thank you, Mr. Chairman.

I would like to refer to two very sharply contradictory statements in Professor Lippert's paper and Professor Zartman's paper and simply see if we could not reconcile what the fact is so that we might be a little more able to deal with this problem.

At the top of page 6, Professor Lippert says in those miles she traveled: "I noted Polisario forces have major bases throughout the Moroccan 'controlled' territory." In your paper, Professor Zartman, you say: "If Polisario attacks continue into Moroccan territory from privileged sanctuaries in Algeria," which leads me to believe these are hit-and-run attacks coming out of Algeria.

I am simply trying to see which of these reflect the actual situation there now. Do you reject Professor Lippert's comment that the Polisarios have major bases throughout this whole territory and, therefore, it makes it necessary then to use privileged sanctuaries out of Algeria? Is that your contention?



Mr. ZARTMAN. I think the difference would be on the major bases. The Polisario has bases, installations, it has arms caches within the western Sahara. The center of its operations is in the Tindouf area. It is from there that the attacks start.

Now, there are installations within the territory as well and these have increased.

Mr. FITHIAN. You are saying that the major origin of this is in Algeria?

Mr. ZARTMAN. That is right.

Mr. FITHIAN. Do you agree with that?

Ms. LIPPERT. I have not seen any of the bases around Tindouf and I have traveled through the camps. It is quite possible not to see that. I hold to the statement that I noted no major bases, in other words, large areas where there actually were land rovers, trucks, all kinds of equipment that we traveled through.

Mr. FITHIAN. You are not really rejecting Professor Zartman's indication that certain portions of operations are coming out of sanctuaries in Algeria territory.

Ms. LIPPERT. I assume some of the arms shipments to the Polisario are going through that territory. I traveled in the western Sahara along through here over to the Atlantic coast. In all of that area I saw at least two or three major staging bases.

Mrs. FENWICK. The reason for not having the U.N. man in the Tindouf you said was not to be able to observe the Algeria bases.

Ms. LIPPERT. That is a very different thing from the Polisario bases.

Mrs. FENWICK. How different?

Ms. LIPPERT. It seems to me in my logic if I were waging a war, if I were going to support the Polisario, why wouldn't I use the airplanes that Algeria has along Tindouf?

Mrs. FENWICK. According to you, they do not want them to.

Ms. LIPPERT. And they do not do it, right. My theory is that the Polisarios are operating. You have to make two distinctions. The 1962 border war between Algeria and Morocco brought about some desire for peace along the whole frontier. With this whole increase in tension I am sure there is an arms buildup in Algeria.

Mr. FITHIAN. Professor Zartman, what you would like to see is a stalemate. I think that is what you say in your paper. Military defeat for either side would have serious consequences.

Mr. ZARTMAN. That is right.

Mr. FITHIAN. I take it you would like to see the Polisario win. Am I reading you folks correctly?

Ms. LIPPERT. Yes.

Mr. FITHIAN. Is that your position too, Mr. Houser?

Mr. HOUSER. I would not put it that way, but it is true.

Mr. FITHIAN. A little truth in these hearings does not hurt us at all.

Mr. HOUSER. We are talking diplomatically. The way to put it is that we are in favor of the independence of the western Sahara. Now, that is quite a different thing. One point I agree with Professor Zartman on and this is a point which is a major point for U.S. policy, which is that there can be a negotiated approach to this and it should be followed.

The essence of U.S. policy at this point should be to take some initiative in an international conference including the Polisario and/or their representatives, Mauritania and Morocco. It could be done in

a number of different places, New York, Washington, or in some part of Western Europe.

Mr. ZARTMAN. Not Algeria?

Mr. HOUSER. Do you want to include Algeria?

Mr. ZARTMAN. I ask you.

Mr. HOUSER. All right, but I do not think that would be the place it would be held. It could be. It would be any place that the parties involved would agree to meet. Therefore, the way to put the question, and that is why I answered as I did, is not the question of victory, but it is the question of the independence of the territory and how are you going to get this, because the war is going to continue; it is going to spread and there will be more attacks in Morocco as long as the problem is not settled.

Mr. FITHIAN. If we could focus on one other area.

Professor Zartman evaluates the situation that puts the armies of Algeria and Morocco at about the same size, but your analysis is that the Algerian army is far stronger, far more modern, far more updated by the Soviets, et cetera. This leads to the question I think ultimately for this committee as to what is in the best interests of the United States, to put it very baldly.

There are some options that we might seek. We may not be able to effect any one of these, but there are some options we might seek. We could throw our weight behind OAU and say let us have a referendum and settle it that way. Would you agree with that sort of thing, Professor Lippert?

Ms. LIPPERT. I think the United Nations has asked the OAU to help resolve the thing. I would think that the United States would not want to do anything that would keep that from happening. I know what you are asking me and the reason I am hedging is this.

Mr. FITHIAN. When I was a professor I used to hedge all the time.

Mr. SOLARZ. Professor, if you will yield for 1 minute, I feel obligated to point out to you when we have State Department witnesses they hedge all the time. We invite people like you so that we can get some straightforward testimony about what we should do. But the professors and the academics and the heads of organizations are beginning to sound more like the diplomats than the diplomats.

Ms. LIPPERT. I think we ought to support what the OAU is trying to effect.

Mr. FITHIAN. If it were left up to you, you would say let us have a referendum?

Ms. LIPPERT. Let us let the OAU resolve the problem. It can be done by referendum. It will be difficult to do it by referendum at this time.

Mr. FITHIAN. Do the panel members here believe that the Polisario, in fact, would accept the OAU recommendation for a referendum?

Mr. HOUSER. One could say this about it and that is that that has been the position of Polisario in the past. I think they would have to respond very sympathetically to any resolution such as this one that has passed the OAU. It is obviously up to them.

Mr. FITHIAN. Professor Lippert, do you think the OAU would accept that proposition?

Ms. LIPPERT. The Polisario would accept the OAU?

Mr. FITHIAN. Right.

Ms. LIPPERT. Again, I cannot speak for the Polisario. In my own paper I made reference to the fact they talked about the undivided



territory. That certainly does not alter the fact of the referendum. I think they would respond affirmatively to the OAU.

Mr. ZARTMAN. Interestingly the Polisario has been equivocal about the referendum. The Polisario consider themselves to be the sole and authentic representatives of the Saharawi people and that fact established, sometimes they talk of referendum; sometimes they have not.

I have talked to the Polisario and they have been very equivocal about it. Referendum depends, too, under what conditions it is held. If it is held with the Moroccans there that is different. Whether internationally supervised or not, that is different from one where all the people return.

Mr. FITHIAN. Let me ask one final question. In the larger context, to go beyond Africa now and include the entire Middle East, to what extent do you believe Algeria and Morocco and the influence of what might or might not eventuate here, to what extent are they important to the overall comprehensive situation in the Middle East with the settlement in the Middle East?

Mr. ZARTMAN. I think it is extremely important to us. A settlement of this conflict will allow Algeria to do what it is doing, that is, support the rejection front. Settlement of this conflict will also allow Morocco to do what it has been doing before, but has not been able to do lately, and that is to support the Sadat initiative. It will untie its hands because Morocco's diplomacy now is centered on this issue and this becomes a primary issue to it.

It is not as free, as we have seen from the statement of Moroccan diplomats; it is not as free to support the Sadat initiative as it was in the beginning nor as it would be without the western Sahara question settled.

Mr. FITHIAN. Another part of that question is: What impact is a continuation of this sort of running war apt to have as far as you are concerned about the internal government of Morocco itself?

Mr. ZARTMAN. I have said that a continuation of—

Mr. FITHIAN. I am not speaking of just whether they would be able to sit down and participate in larger settlement in the Middle East, but for the stability of their own government. Are they getting stretched out to any dangerous proportion by this continuance?

Mr. ZARTMAN. The effect of this on the Moroccan domestic politics is very dangerous. The army, as I pointed out in my statement, as armies do and as Algeria and Morocco, can take independent action of its own, can turn either across the border or can turn against the monarchy. The army is in a very frustrating position at the present time. This issue is important to the Moroccans' political system, the entire Moroccan political system and a sharp defeat for the King puts the monarchy in great danger.

It is not because we are monarchists that one likes the monarchy in Morocco. It is because it represents a particular direction in foreign policy, a particular political system under which party competition can operate as a stable government, the alternative to which is great instability. It is for this that the matter is important.

Mr. FITHIAN. A corollary to that would be that to the Polisario it would be to their advantage to continue to push this until Morocco crumbles in some fashion or another.



Mr. ZARTMAN. The people I have talked to have said they recognize exactly what I have been saying, they said they would much rather deal with the King because the King represents a coherent center of power in Morocco and can make decisions. It would be difficult to deal with a military regime.

A military regime that comes to Morocco will not give what the Polisario wants. It will be more adamant in its war against the Polisario and against Algeria and will look for arms wherever it can find them. I think the Polisario in its own interests, in its own goals, would rather deal with the King, assuming that it arrives where it wants to.

Mr. FITHIAN. Professor Lippert, with regard to the overall Middle East question again, how important is this?

Ms. LIPPERT. Frankly, I have objected to linkage tightly with the Middle East, and say if you support Camp David and the Egyptian and Israeli accords then you have to vote for arms for Morocco. That is erroneous to me. I know that both Morocco and Algeria have a role to play in the overall attitude of that, looking, I suspect, in terms of a final agreement on the Middle East. At the same time I think it is dangerous to try to link all of North Africa to the Middle East.

Mr. FITHIAN. Sort of corollary to that, we asked earlier Professor Zartman about the impact of this on Morocco internally. Do you see any way of negotiating a settlement which would allow Moroccans some face-saving in this?

Ms. LIPPERT. Truthfully I don't. The Polisario would want the entire territory. In my judgment the territory should be an independent state. I am not sure how we could do it. I would think with our experience maybe on diplomacy we could manage to save the state. The problem with Morocco is that Morocco is in a very serious position. One of the soldiers I interviewed who had been captured at Tan Tan said he had spent all of his month's pay buying food. Basically they were not getting enough food to eat in the army in Tan Tan. Maybe he was making up a story for me, but it was corroborated by a number of other people.

Some of the stories that we have about the rate of inflation—in some magazines it is listed as 50-percent inflation in the countryside—the real problem of getting food, I think it is very important. I think we will all agree there should be a negotiated settlement.

Mr. FITHIAN. You have just commented on the overall Middle East aspect of this conflict and its importance.

Mr. HOUSER. My judgment is that it will not change the position either of Algeria or of Morocco, and I doubt if they have a tremendous effect upon the Middle Eastern situation in respect to the Sahara war except to the extent that you are involved in that kind of conflict. You are limited in what you can do elsewhere. I think the real danger is that the conflict could spread to a direct confrontation between Morocco and Algeria, but I think it must be clearly understood—I believe in my own mind that Polisario is not a puppet of Algeria. It is a definite independent political body of its own and I believe that the war which is taking place there is obviously affecting Morocco much more than it is Algeria.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. SOLARZ. Professor Zartman, in what way would resolution of the conflict in the Sahara enable the King to resume his support of the peace process in the Middle East, which I believe was your response to a question by Mr. Fithian?

Mr. ZARTMAN. The parallel has been made with the war in Vietnam. During the war in Vietnam our hands were tied. We had a tough time doing some other things that we might have liked to do because our attention was focused there, because we were looking for support for our actions there, and that was the dominant element. It is exactly the same thing. This is a dominant preoccupation with Morocco at the present time. M. Boucetta, the foreign minister, made a speech as I understand it announcing that Morocco had nothing to do with the Sadat initiative, that it had nothing to do with the early part of the Camp David negotiations and so on, a perfectly logical statement for Morocco to make.

Morocco wants to put itself on good terms with anybody who will support it and hence with other Arab States because of this hand-tying issue. If the issue were resolved it would be free to pursue again a policy that it was able to pursue when the issue was not that important, and that is to help work out a moderate solution in the Middle East such as its well-known help in setting up the Sadat visit to Jerusalem.

Mr. SOLARZ. Do you believe, in fact, Morocco would publicly change its position and express its support for the peace treaty between Israel and Egypt if the conflict in the Sahara was somehow or other resolved?

Mr. ZARTMAN. Absolutely. Not only do I believe it, but I think after the Camp David negotiations, Sadat made contact with Morocco and was speaking the same kind of thing. There are a number of other indications of this kind certainly.

Mr. SOLARZ. What do you think Morocco's position would be if we were willing to sell them arms for use in the Sahara? Would they under those circumstances be willing to once again publicly support the peace process in the Middle East, or would that not constitute a sufficient inducement?

Mr. ZARTMAN. If that constituted a sufficient action to enable them to win and end the issue that way, then with an appropriate lag or something like that one could expect that kind of response. I think that we are unlikely to sell them arms to the extent that they would need and carry with it the other kind of changes that would be required for them to win. Again my point is that it is not winning for one side here that is important but helping everybody get out of this problem by a solution in which each side finds some interest in that kind of solution as well.

It will save the Moroccan position but it will provide something for Algeria, it will provide something for Polisario, and will take care of the problem.

Mr. SOLARZ. What kind of compromise can you envision which could conceivably be acceptable to all parties to the conflict?

Mr. ZARTMAN. This was spelled out in the paper and alluded to in my statement. In stating it again I am not saying that this particular compromise would have to be adopted 100 percent. That is not diplomacy. That does not work that way. This is the framework for a tradeoff. Something for Morocco, a continued presence, a sovereignty over part of this territory. The variations could be a special status,



perhaps attachment to the King, perhaps a different kind of relationship such as the Italian provinces, autonomous relationship to the kingdom, something of that kind.

For Algeria a ratification of the 1972 treaty which would give it a secure border and also set up a kind of joint exploitation of the benefit from the resources in the area. For the Polisario a presence, giving over to the Polisario the southern part of the territory in federation or confederation, as one would like with Maruitania which are the closest people ethnically and socially to the Polisario Saharawi.

Many of them are Mauritians themselves by birth. This kind of arrangement would allow them in addition by the treaty of April 1976, to participate in the phosphate. In this case each party would get something, but not everything, of what it wanted.

Mr. SOLARZ. Do you preclude the possibility of the establishment of an independent Saharawi ministate as it were in the Mauritanian part of the Spanish Sahara?

Mr. ZARTMAN. That is a possibility as well, I think, as long as what Morocco gets as part of its share in this agreement is part of the territory. A ministate of this kind I think has tremendous dangers, dangers of instability in the area, because it is going to be a weak state and it is going to look for alliances elsewhere. That could be an acceptable variation, a possible variation.

Mrs. FENWICK. What is the west Sahara? Are they Berbers? Are they blacks?

Mr. ZARTMAN. Some are Arabs. When we say Arabs and Berbers we are talking about language. Some are Arabic-speaking, some are Berber-speaking. The people that are represented by the Polisario, most of the people in the former Spanish Sahara are Arab-speaking except for the Tekra tribe.

Mrs. FENWICK. They are a different race from the Arabs?

Mr. ZARTMAN. In North Africa the population is for the most part Arabized Berbers, that is, their biological basis is Berber. In the Arab conquest they were assimilated and converted to Islam. So that biologically, if that is what we mean by race, there is very little difference between them. There is a group of the inhabitants of North Africa, a large group in Morocco, smaller in Algeria, smaller in Tunisia and Libya, that still speak various Berber languages.

Mrs. FENWICK. So, do the western Sahara people?

Mr. ZARTMAN. The Tekna tribe does.

Mrs. FENWICK. Are there any blacks at all?

Mr. ZARTMAN. No; not in the Saharan population. There are in southern Mauritania. There are some descendants of slaves. These are very dark-skinned people, again, but they are not blacks.

Mr. SOLARZ. Let me ask each of you what you think would happen if a referendum were held in which the ethnically identifiable Saharawi over the age of 18 were given the opportunity to vote, including those who are living inside the western Sahara as well as those who are in adjacent areas, and they were given a choice in this referendum between the establishment of an independent Saharawi state in all of the former Spanish Sahara or a continuation of the political administrative status quo, in other words, one in which the Sahara was divided up into a Moroccan part and a Mauritanian part? If such a referendum were held, those were the choices, how do you think it would come out?



Mr. HOUSER. And on the assumption that all the elements were satisfied with the conditions, in other words, the best possible circumstances?

Mr. SOLARZ. Under U.N. or OAU supervision.

Mr. HOUSER. Right, and without the military being present?

Mr. SOLARZ. With observers from Cook County.

Mr. HOUSER. Of course this is guesswork. I would simply say that I believe that the Polisario movement would win an overwhelming victory. When the U.N. mission went there in 1975 their report, if one wants that kind of objective evidence for what it is worth, their report was that the people wanted independence and Polisario is the only movement of independence.

Mr. SOLARZ. Professor Lippert?

Ms. LIPPERT. I agree.

Mr. SOLARZ. Professor Zartman?

Mr. ZARTMAN. If all of the four groups of the population I referred to before—refugees to Morocco, refugees to Algeria, people in the Spanish Sahara, and nomads—all people conceivably could be included, participate in a referendum, it would be difficult to state the outcome. If the inhabitants of the Sahara plus the people in Algeria alone, those two groups included, the Polisario would probably win.

Mr. SOLARZ. You said there were only 10,000 Saharawi that migrated to Morocco. According to your own estimate there were I think you said—

Mr. ZARTMAN. 75,000 people there now.

Mr. SOLARZ. 50,000 in Tindouf.

Mr. ZARTMAN. Under Moroccan administration, right.

Mr. SOLARZ. That is 125,000. In other words, I assume you would think that 50,000 in Tindouf would vote for independence?

Mr. ZARTMAN. That is right.

Mr. SOLARZ. You think that the 75,000 in the Moroccan-administered areas would vote how? In favor of continued affiliation with Morocco under a genuinely independent impartial referendum?

Mr. ZARTMAN. The people who are there now would split.

Mr. SOLARZ. Fifty-fifty?

Mr. ZARTMAN. Well, we don't know how many people there are.

Mr. SOLARZ. You estimated there were 75,000.

Mr. ZARTMAN. OK.

Mr. SOLARZ. You think it would be a roughly even division?

Mr. ZARTMAN. Yes.

Mr. SOLARZ. How do you feel about that, Mr. Houser and Professor Lippert? We are talking about that part of the Saharawi population that lives in the Moroccan-controlled part of the Sahara.

Mr. HOUSER. I really can't give independent judgment on that. I have not visited that area or talked with the people.

Mr. SOLARZ. So do you preclude the possibility that they might have a different view?

Mr. HOUSER. No, not by any means. My own conviction is that Polisario has a tremendous following among the people in the southern part of Morocco and certainly in the northern part of Mauritania. It has all the people in the camps in the Tindouf area of Algeria. My answer would be on the basis of what I do know and what I have seen of their organization is that they would win.

Mr. SOLARZ. It is interesting to me that your view of the attitude of the Saharawi people is based on your experience in Tindouf basically.

Mr. HOUSER. Not entirely. It is based on my reading of reports from journalists who have been in the Moroccan areas where I have not at this point been.

Mr. SOLARZ. They seem to indicate an attitude essentially similar to the attitude of the Saharawi in Tindouf.

Mr. HOUSER. That is the basic impression I have, yes.

Mr. SOLARZ. Professor Zartman, what leads you to believe that the attitude of the Saharawi in the Moroccan areas of the western Sahara would be so significantly different than the Saharawi in Tindouf?

Mr. ZARTMAN. Some are returned refugees from Morocco. They are people who have stayed rather than people who have fled.

Mr. SOLARZ. That does not necessarily mean that they favor continued Moroccan sovereignty administration. There are always people who prefer to remain where they are for a variety of reasons even if they don't necessarily favor the sovereignty which currently rules over them.

Mr. ZARTMAN. I am afraid I wouldn't have—

Mr. SOLARZ. Have you been there—to El Aaiun?

Mr. ZARTMAN. No; I have not been there. I think this is being pushed to a point where I wouldn't have any faith in the answer that anybody else would give. One doesn't know. How many people who have gone there and talked, speak Arabic and have been alone with the population?

Mr. SOLARZ. These are all relative questions. You have indicated in your testimony in your judgment the Polisario could not continue its struggle if it were not receiving sanctuary and support from Algeria. Am I correct?

Mr. ZARTMAN. That is right.

Mr. SOLARZ. Why is that? Why couldn't they continue?

Mr. ZARTMAN. They would run out of arms, ammunition, and food.

Mr. SOLARZ. In Angola by comparison the UNITA insurgency which is led by Jonas Savimbi has no sanctuaries in any neighboring country. The amount of outside support it receives is extremely indeterminate. Yet it has managed to maintain, in spite of the presence of 20,000 Cuban troops in that country, continually militarily effective insurgents. If they can do it in Angola, why could not the Polisario do it in the Sahara?

Mr. ZARTMAN. For one thing you can live off the countryside in Angola. You can't live long in the Sahara.

Mr. SOLARZ. Any other reasons?

Mr. ZARTMAN. It depends on how rapidly they use their ammunition, the conditions for maintenance of a vehicle that goes across this terrain. The terrain has been described.

Mr. SOLARZ. According to Professor Lippert, the Polisario already have bases all over the Sahara. They have been able to maintain bases throughout the Sahara. Why wouldn't they be able to continue to maintain them if they didn't have bases in Algeria?

Mr. ZARTMAN. Where would they get the maintenance materials? Where would they get the food if they were cut off from their supply?



Mr. SOLARZ. They might get it from the Moroccans through military engagements in which they overrun outposts or cities.

Mr. ZARTMAN. They would get some of that. They do now, that is true, but that is not a continual supply. I think it would be very difficult to continue for any length of time under those conditions. The fact that one has forward posts—I think you said staging bases at one point, and I agree with that description, is a very different thing from having a continual supply of parts for trucks that are going through the hamada that is very wearing on vehicles.

Mr. SOLARZ. In your respective judgments why is Algeria supporting the Polisario? Is it out of a deeply rooted ideological political commitment to the idea of self-determination? Is it support of a liberation struggle? Is it because they see an opportunity to establish a Polisario government, a government over which they will hold sway, because somehow or other they think this will give them a better opportunity to secure the resources of the Sahara because they want to weaken Morocco? There may be a mixture of motives, but which of these are predominant?

Mr. ZARTMAN. The Algerian support it first of all for ideological reasons. I mentioned it in my statement. They believe in a struggle by a national liberation war because that is their history. You just heard we should support governments that look like us. We tend to read history in terms of our own experience. The Algerians are favorable to this kind of movement; particularly Boumediene was attached to the Polisario movement. Algeria believes that people should achieve independence by the same process it does, that is, a referendum at the end that consecrates a military victory.

Just as important, and one that counts now, is this rivalry with Morocco. Algeria does not want to see Morocco bigger and self-sufficient in a major element of supply in the phosphates that would give it a corner on the market on phosphates and therefore able to operate on its own. Algeria wants to be the dominate power in the area and this would challenge them.

Mr. SOLARZ. Are there any Algerian forces fighting with the Polisario?

Mr. HOUSER. No.

Mr. SOLARZ. Thank you, Mr. Houser.

Professor Lippert, are you aware of any?

Ms. LIPPERT. No. One time in the war, and actually I would like to add a little bit to what he said about Algeria's interests. Algeria I don't think got committed to the struggle until 1976. In January and February of that year there were bombings with napalm on refugees. At that point the Algerian convoy that went into Amgala, there were some Algerians perhaps captured in the war. That is the only time.

Mr. SOLARZ. Mr. Houser and Professor Lippert, are you aware of any military aid which Algeria is giving the Polisario? They are not giving them troops. Do they have military advisers working with the Polisario?

Ms. LIPPERT. I didn't see any.

Mr. SOLARZ. Were you aware of any?

Ms. LIPPERT. No.

Mr. SOLARZ. Mr. Houser?



Mr. HOUSER. I agree. There was absolutely no indication of anything other than material assistance and there is definitely military assistance.

Mr. SOLARZ. What kind of military assistance is Polisario provided?

Mr. HOUSER. Weapons. Some are captured of course. Some are purchased. But Algeria is helpful in terms of what Polisario needs.

Mr. SOLARZ. Does Polisario get the bulk of its weaponry from Algeria?

Mr. HOUSER. Through Algeria, but not necessarily from Algeria. I cannot answer that because this is difficult. I did not snoop around to find out.

Ms. LIPPET. In some of the areas where I saw trucks, most of it was captured Moroccan material. The only arms I saw were Russian. I looked at the dates on those. There were dates like 1973 and 1975. There are reported larger arms.

Mr. SOLARZ. Professor Zartman, are you aware of the extent to which Algeria is helping the Polisario?

Mr. ZARTMAN. As far as I am aware the orders given by the Algerian Government, the promise given Morocco that no Algerian troops will cross the line has been held since Amgala. No one knows the mix between Algerian and Libyan support.

Mr. SOLARZ. You don't know of any Algerian advisers working with the Polisario in terms of providing military guidance?

Mr. ZARTMAN. I understand that there is Algerian training given to the Polisario. I have brought back no Algerians with me or pictures of them.

Mr. SOLARZ. Mr. Houser or Professor Lippert, are the Algerians providing military training, in your judgment, to the Polisario?

Mr. HOUSER. No; I don't think they are.

Mr. SOLARZ. Professor Lippert?

Ms. LIPPET. I don't think so. Going back to the history in the area, some of the people who are fighting still are people who were fighting in the early 1960's.

Mr. SOLARZ. Is any country giving them training or are they self-trained?

Ms. LIPPET. They have been asked by other countries to help train them.

Mr. SOLARZ. Other countries have volunteered the training?

Ms. LIPPET. No. Because of the success of their guerrilla war they have been asked by other nations to give military training.

Mr. SOLARZ. They have not received military training from any other country?

Mr. HOUSER. At this point in their existence they are strong enough to give their own military leadership and training. I visited some of the schools which are open for persons going there.

Mr. SOLARZ. Are they receiving any kind of Cuban assistance?

Mr. HOUSER. No.

Ms. LIPPET. No.

Mr. SOLARZ. Are they receiving assistance that you are aware of from any of the Eastern bloc countries?

Mr. HOUSER. There is nothing that comes from the Soviet Union. No; not that I know of. They do get some captured weapons that come from both West and East through Morocco.

Mr. SOLARZ. Professor Lippert.

Ms. LIPPERT. I am not aware of any.

Mr. SOLARZ. You indicated in your testimony that an independent Saharawi republic would be generally nonaligned.

Ms. LIPPERT. That is right.

Mr. SOLARZ. I am not quite sure what nonaligned means these days. I take it you don't mean it would be nonaligned in the sense that, say, Cuba is nonaligned?

Ms. LIPPERT. No. In fact in my paper I say their nonalignment policy resembles that of Nigeria and Tanzania. I think what they are trying to do is what a number of other nations are trying to do, that is benefit from the technology, but at least control their own destiny.

Mr. SOLARZ. Do you have any sense of the extent to which they are receiving help from Libya?

Mr. HOUSER. I asked when visiting some of the refugee camps about certain obvious materials they had such as tents and they certainly have received some tents from Libya. That was one very definite thing. I think that most of the medical assistance does not come in that way. I think some of the clothing perhaps does. But it comes through some international refugee organization. I think military assistance comes through Libya no doubt, some.

Ms. LIPPERT. Again I don't really have any answer on that. I imagine Libya has been giving arms support, but I don't know to what extent. The thing I would like to mention is that in terms of repair, our land rover broke down four times that one night in the space of 2 days with a fan belt. The fan belt was a rope. They would sit down and reweave the rope and put it back on the fan and we would continue on. We had a lot of punctured tires. They would see a little bit of rubber left in some wreck of some Moroccan truck. They would pick that piece of rubber and stick it in.

Mr. SOLARZ. We spoke earlier about what would happen if there were a referendum. I gather the OAU by a substantial margin has voted in favor of a referendum as a way of providing a transition into nationally acceptable form of self-determination in that territory. Is it, in fact, practical and possible to hold a referendum assuming that Morocco, Algeria, Polisario, and Mauritania all agreed, given the fact that you have some of them in Morocco, many are in Tindouf, others are wandering back and forth? Could you technically have such a referendum?

Given the extent to which also I gather some Moroccans have moved into the Sahara could you ever get agreement on who was entitled to vote in this referendum?

Mr. ZARTMAN. It seems to me there are two ways of looking at this idea of referendum. One is endorsing a principle and somehow letting somebody worry about how to apply it. The history of the OAU in this particular one shows it has been a very troublesome problem to it and they would like to get rid of in some way. It may have been in this sense that that was voted.

Other than that a referendum I think almost universally follows an agreement on political conditions. Nobody would be so naive as to think that Algerians held their referendum, that people sat there wondering what would happen. Everybody knew that the Algerians would ratify their independence by something like that. The very notion of a referendum requires a political settlement beforehand, negotiated, and the parties to determine under what conditions, who



will participate. The kind of thing I have been talking about is not incompatible with a referendum. It can take place in pieces and parts altogether. But it is the political decision that must come first. The OAU resolution is unenforceable, unoperative as it stands now.

Mr. SOLARZ. Does the fact that Morocco has not agreed to a referendum until now indicate that they lack confidence in their ability to win such a referendum?

Mr. ZARTMAN. That is a legitimate inference. I think it also has to be seen in view of the fact that Morocco followed a pattern that was earlier endorsed by Algeria. Algeria agreed to this kind of settlement back in 1972 and 1973 before it was actually—a negotiated settlement between Morocco, Mauritania, and Spain. Morocco went forward with this kind of negotiation and then incorporated it in its territory. Now once this action has taken place, Morocco no more than Algeria could say we will throw it away and we will start a referendum all over again.

It means a denial of the agreement that was reached in good faith.

Mr. SOLARZ. In your conversations with Moroccans have you gathered any impressions about the extent to which they believed if there were a referendum the people would vote for continued affiliation with Morocco?

Mr. ZARTMAN. It is a little bit like asking the Polisario people if they get aid from Cuba. It would be hard to get a straightforward answer.

Mr. HOUSER. It is not difficult

Mr. SOLARZ. Did you ask the question or not?

Mr. HOUSER. Yes.

Mr. ZARTMAN. Yes.

Mr. SOLARZ. What did they say.

Mr. ZARTMAN. Again it depends on the conditions. There is a expectation under certain conditions one might win. Under other conditions one might not win.

Mr. SOLARZ. What if it were conducted by the U.N. or OAU?

Mr. ZARTMAN. It depends on who participates.

Mr. SOLARZ. If all of these various people participated?

Mr. ZARTMAN. I don't know.

Mr. SOLARZ. I wonder if for conceptual purposes, so that I can get a better understanding of this, any of you can possibly compare the relationship between Polisario and Algeria to the relationship between, say, western Somalia Liberation Front and the Government of Somalia to the extent to which each is independent of the other, to the extent to which each is wholly independent for support.

Mr. HOUSER. I would like to make some other analysis with which I am personally more familiar. I would say the relationship is very similar to the Frelimo relationship with Tanzania. It is similar to the PAIGC relationship with the Republic of Guinea in the struggle for independence in Guinea-Bissau in Guinea. It is very similar to the relationship that Algeria had to Tunisia and Morocco after they became independent.

Mr. SOLARZ. Similar to the relationship of the Patriotic Front and Mozambique and Zambia?

Mr. HOUSER. Yes. One can say in dealing with the previous question that if in the case of any of the countries in which the movement is based, if the policy of that country changed then you have a problem, but not always, a problem that cannot be dealt with in other ways if the necessity arises.



Mr. SOLARZ. All of you would agree, I gather, it would be in our interest if this conflict could be peacefully resolved. To what extent do we have a sufficient amount of interest to play a much more active diplomatic role in the search for such a settlement than we have in the past or to what extent do you think that this is one of these problems where we are perhaps best off to let the other countries take the leading role?

Really the United States cannot be the central diplomatic actor in every conflict in the world. We can only handle a number of issues. What do you think our diplomatic approach should be? Should it be an active one trying to take the initiative in search for a settlement, prodding the parties to get together, or should we take a neutral position and say:

This is not really our problem. We stand ready to help if you think there is some way we can be useful, but we don't consider it appropriate for us to send missions here, there, everywhere, trying to get the parties together.

Mr. HOUSER. I think it could be approached in a very disinterested fashion if the United States were not giving military assistance to Morocco. But as long as the United States is giving military assistance to Morocco the issue is going to be of importance, and growing importance, because it is receiving much more international attention than it has before at the United Nations, at the OAU meeting.

The press is going there now and it is still pretty unknown to be sure, but it no longer is as unknown as it was. I think the United States will have to take cognizance of that and play a role which is supportive of some kind of international conference, hopefully bringing all the parties together. Without all of them being there it would not be an international conference.

Mr. SOLARZ. Obviously the parties to the conference themselves can meet with each other if they want to. There is nothing to prevent them from doing that if that is what they prefer. Assuming there is a certain reluctance on their part to initiate such proceedings because that would be considered a sign of weakness or because of the animosities that have been built up, who should take the initiative in trying to bring them together, the OAU, Spain, the United States, or should we leave it to the people there themselves?

Mr. ZARTMAN. I think the United States working with other friendly parties, Spain, France. You will be going to Spain but not to France; and France certainly has an important role in this.

Mr. SOLARZ. Add Paris to the itinerary.

Mr. ZARTMAN. And I would think an Arab country which has already tried, there are two countries that have tried, a number have tried, particularly Egypt and Saudi Arabia. Egypt is not useful, Saudi Arabia could be. A number of countries working in concert. I am not suggesting that we try a Kissinger shuttle on this. It is not of that magnitude for us nor are our interests that closely related, but working through providing good offices in concert with a number of other countries.

African and Arab and the two European countries mentioned I think are important. The OAU will not do it.

Mr. SOLARZ. Professor Lippert, what is your feeling?

Ms. LIPPERT. The reason I brought up the idea of the United States assisting in a negotiated settlement would be the fact that the United States has always claimed Morocco as a special friend. One of the parties that is particularly loath to extricate itself is Morocco. It seems to me rather than send Morocco arms maybe we could assist them some way in extricating themselves from something that is causing them financial ruin. I wouldn't want too many to get involved in this.

There are real people at stake. There is a conflict between Polisario and Morocco, Polisario and Mauritania. That cannot be lost from sight.

Mr. SOLARZ. Mr. Houser, Professor Lippert, if Morocco agreed not to use our arms in the Sahara and, in fact, was prepared to abide by that commitment, would you object under those circumstances to our providing arms to Morocco, assuming the conflict continued?

Mr. HOUSER. I thought we dealt with that earlier?

Mr. SOLARZ. I asked a different question. I asked earlier whether you would favor the sale of arms to Morocco if the arms were not suitable for use in the Sahara. That assumed a continued unwillingness on the part of Morocco agreeing not to use them in the Sahara. Supposed they reverse their position and tomorrow they said, "I agree not to use whatever you give me in the Sahara," would you then be opposed to the sale of American arms to Morocco as long as the conflict continued?

Mr. HOUSER. Yes.

Mr. SOLARZ. Professor Lippert?

Ms. LIPPERT. One of the things that has struck me is that someone at the State Department told me they have 13 people there to observe the use of U.S. arms in the country. I am really loath, given the history of this use of arms outside the territory, to take the statement on face value.

Mr. HOUSER. I would like to explain the reason I said yes, was that there is an agreement at the present time that American arms will not be used in the Sahara, and they are being used.

I just don't know how you police or inspect this sort of thing.

Mr. SOLARZ. We have people like you going there, taking pictures?

Mr. HOUSER. That is not very effective.

Mr. SOLARZ. Supposing Morocco were attacked by another country, are you saying that so long as Morocco maintains its insistence on holding on to the Sahara we should not provide them any help? Would that also be your position?

Mr. HOUSER. I don't like to hedge either, but it is very difficult to give a yes or no answer to something that can be so misunderstood. Therefore, I really hesitate to do it. My position essentially is that I do not believe the United States should give military support to Morocco as long as Morocco is the occupying force and is using those weapons in the war which is going on. That is essentially my position.

Mr. SOLARZ. We should not provide them first, so long as they are an occupying power, and so long as they are using our weapons to maintain the occupation.

Now, if you can conceptually separate those two parts of your position, my understanding was that you testified earlier that even if the arms weren't being used in the Sahara, you would still be opposed to



giving them arms so long as they remain an occupying power; is that a fair summary of your position?

Mr. HOUSER. Yes, sir; I think it is.

Mr. SOLARZ. Because you would see that presumably as a way of putting pressure on Morocco to cease being an occupying power by denying them something which they want?

Mr. HOUSER. I would like to see that sort of policy followed with a positive approach to dealing with the solution to the problem.

Mr. SOLARZ. Doesn't Morocco get arms from other countries?

Mr. HOUSER. Surely.

Mr. SOLARZ. The arms it get from us it buys from us basically?

What would be gained if we stopped selling arms completely to Morocco? Surely the arms they get are not so sophisticated that we are the only country that manufactures them. There are plenty of other countries that would be more than happy to boost their arms industry by selling arms—France, Britain, Italy, Germany, other countries. So what would be gained if we adopted your recommendation as our policy?

Mr. HOUSER. We would have a policy.

Mr. SOLARZ. Pardon?

Mr. HOUSER. We would have a policy. It would be the policy that we are not supporting Morocco in the western Sahara.

Mr. SOLARZ. That I understand; but in terms of achieving any results as a consequence of that policy, so long as Morocco can continue to get arms elsewhere, in what way would they be more likely to cease their occupation of the western Sahara?

Mr. HOUSER. I believe that that is a problem for Morocco, but the United States should have its own policy. If Morocco is going to get arms from elsewhere, let those other countries bear the blame for it.

Mr. SOLARZ. Professor Zartman, is Morocco getting arms from elsewhere?

Mr. ZARTMAN. I don't know what Morocco's current arms purchases are. We are not the sole supplier of arms to Morocco.

Mr. SOLARZ. If we cease selling arms to Morocco, what do you think will happen?

Mr. ZARTMAN. Morocco would get some arms elsewhere. I can't answer that in a detailed way for each type of armament that has been requested, but what would happen in regard to our relations, and it is our policy that we are concerned about, our interests, is that a nonresponsiveness to Moroccan concerns means we lose a very good tie with a country that is important to us. I think sometimes we want a policy of purity, not effectiveness.

Mr. SOLARZ. In Morocco can you give us your sense of how much power the King has vis-a-vis the rest of the government; what is the dominant political factor in the country?

Mr. ZARTMAN. The King is the dominant force in government. He relates to, negotiates with, has to face, the demands of the parties. He is not an absolute monarch by any means, but he is certainly the coherent center of power.

Mr. SOLARZ. Would you say he has as much power in Morocco as the new president has in Algeria?

Mr. ZARTMAN. He certainly has more power, because the new president in Algeria is new and has not developed his position.

Mr. SOLARZ. In that sense, you would not call Morocco a democracy?

Mr. ZARTMAN. I would not call Morocco a democracy, because Morocco is a monarchy. If we are using one term to apply to a form of government, one has to use the broadest generalization. I am not quite sure where we go from there whether we only deal with democracies or what.

I would call it a country that has a multiparty system in which it has parties, party elections, where the people have a choice, where the parties have a history of existing, where there is one of the freest presses in the Third World, where there is a free and competitive trade union system.

Mr. SOLARZ. Does the government which is elected by these parties have any power?

Mr. ZARTMAN. Certainly.

Mr. SOLARZ. But the monarch has much more power? Can they do anything he doesn't want them to do?

Mr. ZARTMAN. They can bargain with him to change his mind on some things, certainly. They have an effect on policy, yes.

Mr. SOLARZ. How would you compare the power of the Parliament in Morocco to the power of the Parliament in Iran under the Shah?

Mr. ZARTMAN. Much more; much, much more.

Mr. SOLARZ. So the King has less power than the Shah had?

Mr. ZARTMAN. Yes; that is a meaningful way of putting it.

Mr. SOLARZ. There are a number of people who suggested that the situation in Morocco is getting very serious from a political, economic, and military point of view. The war is unwinnable, and the monarchy itself will be in danger if the war is not brought to an end relatively soon, because of the growing dissatisfaction among military and other sectors of society with a war which is draining the country of its resources, which is not producing any favorable results.

In those terms, would a decision on the part of the United States to continue providing military assistance and maybe encouraging the King to continue fighting in the Sahara in the hope that eventually he might win and in that sense perhaps contribute to the undoing of the monarchy itself, and would it, on the other hand, perhaps, if we have an interest in maintaining a friendly government in Morocco, be helpful to the King to indicate that we are not prepared to be supporting Morocco with military assistance as a way of forcefully indicating it is in his interest to get out of this thing, because he can't win, either with or without military assistance, and it does him no service to continue fighting?

Mr. ZARTMAN. That argument draws all the wrong conclusions to the initial premises. As I said before, U.S. arms supplies to Morocco are not going to make the difference in winning the war, getting rid of the Polisario, getting us a solution, and we can forget about the problem after that.

The United States not giving support of some kind to Morocco, the United States, particularly with other countries, not helping to end this problem is certainly going to work more than anything toward a continuation of the war, a spreading of the war out of frustration of the military and quite possibly an end of the monarchy, quite the reverse of the conclusion—

Mr. SOLARZ. Why would the cessation of military assistance lead to an expansion of the war or its prolongation?



Mr. ZARTMAN. Cessation of all military assistance?

Mr. SOLARZ. Yes, by the United States.

Mr. ZARTMAN. That is a difficult one to draw a conclusion on. Cessation of all military assistance—worsening fortunes in the war at the hands of the military—is likely to lead to the military doing one of two things: Pursue the Algerians where they see the source of the problem, where they can get them—that may not be a rational response, the military acts that way sometimes—or turn against the throne.

Mr. SOLARZ. Is Morocco—given the existing balance of power in the area—is Morocco capable of winning?

Mr. ZARTMAN. It is hard to call these kinds of things. The armies are of similar size. Your people tomorrow will tell you about them in much more detail, about the order of battle of the two parties.

Algeria's air force I believe is superior, Algeria could do a good deal to Morocco, I think, more than the reverse, in the war.

Mr. SOLARZ. Why has Morocco refrained from striking at the Polisario bases in Tindouf, particularly given the Polisario attacks on Moroccan territory?

Mr. ZARTMAN. For the same reason that any country would hesitate to cross the border of another country. In the recent session of the security council, Morocco claims these attacks came from Algeria and was not able to show there were Algerians that carried it out. That puts Morocco in a weak position.

Mr. SOLARZ. Why would not Morocco limit itself to attacks on Tindouf?

Mr. ZARTMAN. Tindouf is still Algerian. It means crossing the border.

Mr. SOLARZ. They stopped Rhodesia from attacking patriotic front bases.

Mr. ZARTMAN. This is not Rhodesia.

Mr. SOLARZ. Why do you think they have not attacked these bases?

Mr. ZARTMAN. Because there is an international border and because the Algerian army is capable of making a very strong response.

Mr. SOLARZ. I suspect the latter is a more relevant consideration. For example, if a Southwest American liberation movement formed and established bases in Mexico and started to conduct raids across the Rio Grande into Texas and New Mexico, I do not imagine we would stop at the border, if necessary, in order to deal with it.

Mr. ZARTMAN. No comment.

Mr. SOLARZ. I am not advocating sending the Marines into Mexico. Obviously governments do what they have to do to protect their people when they can get away with it.

Mr. ZARTMAN. That is exactly the problem in which Morocco finds itself.

Mr. SOLARZ. I wonder if each of you could comment on the circumstances surrounding the decision on the part of the Djemaa to affiliate with Morocco. I gather the Moroccans claim this as a basis for their cooperation in their part of the Spanish Sahara. Was this a legitimate action or what?

Mr. Houser. I am not an authority on that. My understanding is that 100 out of 102 members have joined with the Polisario.

Mr. SOLARZ. One hundred out of one hundred and two members of the Djemaa at that time?

Mr. HOUSER. No; at the present time. One hundred out of one hundred and two of those who were at that time are now with the Polisario.

Mr. SOLARZ. There were 102 members at that time?

Mr. HOUSER. That is my understanding.

Mr. SOLARZ. When was that exactly?

Mr. HOUSER. I cannot tell you.

Mr. SOLARZ. When did the Djemaa vote to affiliate with Morocco?

Ms. LIPPERT. That is another problem. That is a problem of numbers. Theoretically, there are two actions by Djemaa. One is Djemaa voted to affiliate with Morocco. Polisario claims there are some documented journalists who saw members of the Djemaa in Algeria later on who said Djemaa voted to disband itself and join the Polisario front.

I do not have dates on the Moroccan, but I think it was November 14, 1975.

Mr. SOLARZ. What is it that Djemaa allegedly voted for?

Ms. LIPPERT. According to the Polisario, they voted to disband themselves and to go with the Polisario. That is one statement.

Mr. SOLARZ. Do you know the Moroccan statement?

Ms. LIPPERT. I have heard the Moroccan statement.

Mr. SOLARZ. I used to teach in a university. To the extent that you have an interest in dispassionately pursuing the truth here, which is presumably what your intention is as a professor, I think it is all well and good to travel with the Polisario to find out their points of view. I find it hard to believe that as someone who proclaims herself as a knowledgeable person about this conflict, that you have not taken the trouble to ask the Moroccans what their point of view is.

Ms. LIPPERT. I have read a lot of the Moroccan material.

Mr. SOLARZ. You do not seem to know what the Moroccan position is.

Ms. LIPPERT. I said the Moroccan position was that Djemaa voted to join the Polisario.

Mr. ZARTMAN. On November 28, the Djemaa was gathered together by the Polisario, 65 members were gathered together by the Polisario after the tripartite agreements, and voted, gave support to the Polisario as the national liberation movement of the Sahara and disbanded themselves.

They were then allowed to go their way. There is possibly a second vote that I am not sure of.

Mr. SOLARZ. You say that 65 of them got together?

Mr. ZARTMAN. They were gathered together by the Polisario at Guelta Zemmur down in the eastern part of the western Sahara.

Mr. SOLARZ. And voted to disband?

Mr. ZARTMAN. It is said one was given a speech to read and so on.

Mr. SOLARZ. When did they vote on the other part of it?

Mr. ZARTMAN. There may be a second vote, and this I have not been able to verify although there are reports of a statement on December 22, in support of the Moroccan and Mauritanian administrations. However on February 28, 1976, Moroccan troops then being in place, there was a meeting called of the Djemaa again. This time they met at El Aaiun, including some 40—I do not think anybody knows exactly how much of an overlap there was—some 40 who had met at



Guelta Zemmur and passed a resolution in favor of Moroccan and Mauritanian registration.

Mr. SOLARZ. What was the total number at the Djemaa meeting?

Mr. ZARTMAN. There were 65 on February 28, 67 on November 28.

Mr. SOLARZ. This is where the Moroccans were already in control?

Mr. ZARTMAN. Sixty-five.

Mr. SOLARZ. How many members of the Djemaa were there all together?

Mr. ZARTMAN. There were 102.

Mr. SOLARZ. In other words, we have an overlapping of the Djemaa that took part in each vote, once in the territory when the Polisario were around, then in the territory—what happened to the other 35?

Mr. ZARTMAN. They were not there.

Mr. SOLARZ. Who were the people who belonged to the Djemaa?

Mr. ZARTMAN. They are tribal chiefs chosen, we might say elected, by the tribal groups in the Sahara; a number of others, I do not have the numbers in front of me, but I can find the numbers of the composition, who were elected in cities under the Spanish by male voters in the Sahara; and a number of others then elected from a few professional groups, labor groups, chamber of commerce, and so on.

Mr. SOLARZ. Leaving aside the particular circumstances under which these votes took place, were not the Djemma considered moreless broadly representative of the Sahara people?

Mr. ZARTMAN. I think the Djemaa can be considered broadly representative of the Sahara people at the level of a territorial assembly as it exists in the last stage of colonial rule. That is why I said, similar to a lot of other countries. We can have many questions whether these tribal chiefs that represented the tribes are the same as those who would come out of a free election of all people. They are traditional leaders.

Mr. SOLARZ. You accept the argument that there was a prior vote by these—what was it, 40 members?

Mr. ZARTMAN. No; 67 under the Polisario, 65 at El Aaiun.

Mr. SOLARZ. You accept there was a prior vote by the 67 under the Polisario?

Mr. ZARTMAN. Certainly.

Mr. SOLARZ. I am not an expert on this, but on the basis of what you say it would seem to me that a vote by 67 in the presence of the Polisario is no more likely to necessarily reflect an independent Djemaa than the vote of 65 in the presence of Moroccan forces. Would that be a fair statement?

That is not to say that one or the other is not correct, but to an outsider you could not put much faith in either. I cannot imagine if I were a member of the Djemaa voting with the Polisario troops all around me that I would vote in favor of joining Morocco. Neither can I imagine if I were a member of the Djemaa voting with Moroccan troops all around that I would vote for independence.

Mr. HOUSER. I can only give you an impression.

Mr. SOLARZ. Please.

Mr. HOUSER. My impression is that the Djemaa was not an effective instrument of the people. Now I am not prepared to go into details here today but perhaps it would be possible to submit something on this point of history.

I have heard about it and I have impressions. Maybe it would be possible for three of us to submit our own historical information dealing with this point because I do not believe it is an important point at the present time.

Mr. SOLARZ. Does the legal and political legitimacy of the Moroccan position depend on their assertion that the Djemaa voluntarily voted in favor of incorporation into Morocco?

Mr. ZARTMAN. It includes this in the elections that were held. The objections you are making are perfectly sound political objections. The only point that can be made about this is that this is the same kind of action that was taken in the decolonization. It follows the precedent of decolonization. That covers the greater part of Africa.

Mr. SOLARZ. Is it true that 100 out of 102 people who were at the time members of the Djemaa now are identified with, allied with, or support Polisario?

Mr. ZARTMAN. I have heard that. I would not give that as much credence as the figures on both sides that have been cited.

Mr. SOLARZ. I just have a few more questions. Supposing just for the purposes of discussion you were satisfied that the great majority of the people, the Saharawi people, favored independence. If that were in fact the case, would that have any impact on your position? Would you at that point favor independence or would you say that because of the larger, greater power, geopolitical or other self-interest type of considerations, that that in and of itself is not dispositive of the issue?

Mr. ZARTMAN. I think it is important to take into account larger geopolitical considerations as well. We are not a court of law. We are not setting up principles or looking at things simply as political scientists. Our concern here at least is the concern of some kind of solution in the American national interest.

I think it is conceivable that there be a Polisario state. I do not think it is best for American interests.

Mr. SOLARZ. Let me ask Mr. Houser and Professor Lippert the opposite side of that question. Supposing hypothetically you were convinced that the great majority of the Saharawi people wanted to be associated with Morocco, but that Polisario resisted that. At that point would you still support Polisario?

Mr. HOUSER. The struggle would disappear and there would be nothing to support after a short period of time. This is not something new in history. It has happened many times before, and in Africa.

If there is not a valid viable base for the movement, you could still support it if you want to, but it will just not be a movement that is supportable.

Mr. SOLARZ. I gather you would not support it, yourself, or your organization would not?

Mr. HOUSER. Of course not. We could not. That is not the case, I want to make it clear—

Mr. SOLARZ. I understand. That was a hypothetical question. If an independent Saharawi state were established would you speak in terms of its foreign policy, would it be more or less a carbon copy of Algeria's or do you think it would have positions that differed in a number of different respects from Algeria?

Mr. HOUSER. In independence, yes, it would. It would be very independent.



Mr. SOLARZ. In what way would you think it would be likely to differ from Algeria?

Mr. HOUSER. It is difficult to answer that in terms of what Algeria is. I think you have to answer it in terms of what the western Sahara is and what the Polisario is. They are a democratic movement based on their Muslim outlook. They have a socialism of their own which they are not in a position to implement under present circumstances, but within their structure in the camps I think one gets something of what it is. Just as they are independent now, they would be independent in the future.

If they were a carbon copy of anything else now, then one could not answer it this way, but they are not.

Mr. SOLARZ. How much Marxist influence is there in the Polisario? Is the Polisario leadership Marxist-oriented?

Mr. HOUSER. If there is a contradiction, because you have to define Marxism, there are so many different brands, you have as many theologies of Marxism as you have religious sects.

I think their law is based on the Koran essentially. Their school is based on it. I was amazed in being with the Polisario people at the devoutness of their faith and their prayers to Mecca.

Mr. SOLARZ. There are, as you know, some people who manage to weld a kind of strange philosophical and political amalgam between Marxism and Islam. There are such movements. It is not inconceivable. Robert Mugabe was described as a Marxist. Harli Mariam Mengistu was described as a Marxist. President Neto was described as a Marxist.

Mr. HOUSER. Polisario does not describe itself as Marxist. I also think of the statement of Cabral of the Guinea Bissau PAIBC, who said, "If you want to call me a Marxist, call me a Marxist. If you want to call me anything, call me that, but see what I am doing." That is what you have to do in the case of the Polisario.

Mr. SOLARZ. They do not consider themselves Marxists?

Mr. HOUSER. I have no indication of it.

Mr. SOLARZ. There are liberation movements that clearly are oriented toward Marxism with some variation of it. There are others that are clearly not. You would put, I gather, Polisario in the category of liberation movement which is not under Marxist influence or the leadership does not view itself as Marxist-oriented?

Mr. HOUSER. It is a front that includes many tendencies. I think there probably are Marxists involved in them. They do not describe themselves as Marxists. You would have to define what was meant if you were going to try to make the case.

Mr. SOLARZ. Professor Zartman, how would you explain this?

Mr. ZARTMAN. I do not think they are Marxist movements. There are a lot of factions in the organization. There are some people, I agree with part of the latter statement, who may consider themselves Marxists. It is not a Marxist movement as a movement.

If anything it is a Qaddafist movement in Libya as beliefs go. I think it is important, if I can just add this, to realize that it is hard to predict what the situation is going to be 5 or 10 years from now on the basis of what the Polisario is at the present time. It is a movement that has done fantastically well under conditions of combat and has welded a little spirit of national consciousness. That happened in Mauritania, not under combat but under political struggle, and the party fell apart within 10 years.

Its coherence is not assured. Certainly its Marxism is not assured.

Mr. SOLARZ. One of our staff associates, Mr. Weissman, has been working very closely on this issue. He will be accompanying me in the area. Steve, do you have any questions you want to ask?

Mr. WEISSMAN. I have just one question. Just in terms of Professor Zartman's suggestion that a compromise might be some adjustment of the status of the southern tier of the western Sahara, you indicate Algeria might agree to such a compromise because they themselves perhaps do not want the collapse of the monarchy in Morocco because a military regime might rise up which might threaten Algeria in some manner.

I am wondering whether given the fact that the events seem to be going Polisario's way militarily on the ground, the position of the OAU, Mauritania's apparent withdrawal from the war, given the fact that according to many reports the Moroccan military is getting into not simply a mood of hot pursuit but there is considerable demoralization as well, would not Algeria, if they were thinking politically, bet that if this thing continues, if they do not accept a minimal compromise, they might achieve for their own purposes a weakened Morocco, that whoever succeeds might not be as clever or shrewd as King Hassan, they might achieve a situation therefore which would be better for their geopolitical advantage, and that even a military regime that could conceivably succeed? Hassan might be one that would, after some tough talk, be willing for Arab unity or whatever, to negotiate a settlement.

I am wondering whether the kind of compromise you suggest in other words fits the changing realities of the scene in the world, in terms of Polisario's successes and in terms of Algeria's real aspirations?

Mr. ZARTMAN. What I had said earlier was that Polisario felt that it had a greater, a more coherent party in front of it in the person of the King, not Algeria, that Polisario was interested in dealing with the King.

Unfortunately, I am afraid that a lot of what you are saying is echoed in Algerian thinking. They think that a military regime or a weakened monarchy might be easier to deal with. I think some Algerians think a military regime might look like theirs, might be socialist, and so on.

I think they are very, very wrong in this. On the other hand, I do not think that what I am suggesting is outmoded, because there is Algerian interest in it. There are two of them in fact. One, I suggested, was that they might be interested in coming to an agreement before they lose what influence they have in the Polisario, and the Libyan side, the Libyan faction is increasing at the present time.

I am sure you have followed a similar type of situation in Chad where the factions were relating to each other and the two parties vied for influence.

Second of all, an agreement at the present time can get what Algeria thinks it deserves, and that is a ratification of that treaty. We have not gone into it and there is something in my testimony about it. I think it is an important element. It gives Algeria security on its border. A weak regime in Morocco would not be capable of signing that treaty, of securing a border. It would have to keep it open to justify its own position. Those are the elements of interest I think that relate to Algeria. From my talks to Algerians, this is not inconceivable.



Mr. SOLARZ. None of you has said anything about Mauritania, nor have any of us asked about it. Briefly, what interest do they have in the situation?

Mr. HOUSER. I would like to say one thing about it, in regard to the OAU resolution, Mauritania voted for it, this one that has just gone through. Mauritania's position has been a different position than Morocco's.

There are 7,000 Moroccan troops on Mauritanian soil. There has been a cease-fire for a year which has just recently ended because no positive steps were being taken by Mauritania to implement it, but there have been many sessions held through the year between Mauritania and Polisario representatives.

Polisario looks at Mauritania in quite a different way than it does Morocco.

Mr. SOLARZ. Professor Zartman?

Mr. ZARTMAN. That is true. Mauritania is drained and deeply wounded by this. The coup d'etat of June 1978, was the result of this. There was a second series of coups d'etat in April and May this year which resulted again in their inability to work their way out of it.

Mr. SOLARZ. If Mauritania were willing to withdraw completely from this part of the Sahara and turn it over to the Polisario, could you conceive of the possibility that Polisario might be willing to accept this as a basis for settlement of the overall conflict giving them sovereignty over that part of the Sahara with some kind of relationship to the rest of it? Would that clearly be unacceptable to them?

Mr. HOUSER. It would be unacceptable but it would be the basis for an agreement with Mauritania, but that is all.

Mr. SOLARZ. In other words, the same way that Arafat might accept the West Bank and Gaza if he would give it. That does not necessarily mean that his ambition to establish a larger Palestinian state has necessarily been abandoned.

Mr. HOUSER. It would be an agreement with Mauritania. It would not be an agreement with Morocco, nor would it be an agreement with the settlement of the struggle in the western Sahara.

Mr. SOLARZ. Which would continue?

Mr. HOUSER. It would continue.

Mr. SOLARZ. Let me take this opportunity to thank all of you for coming. I think this has been a very interesting hearing. I think there really has been a lamentable lack of interest and concern on the part of the Congress with this issue. It is clearly becoming more significant.

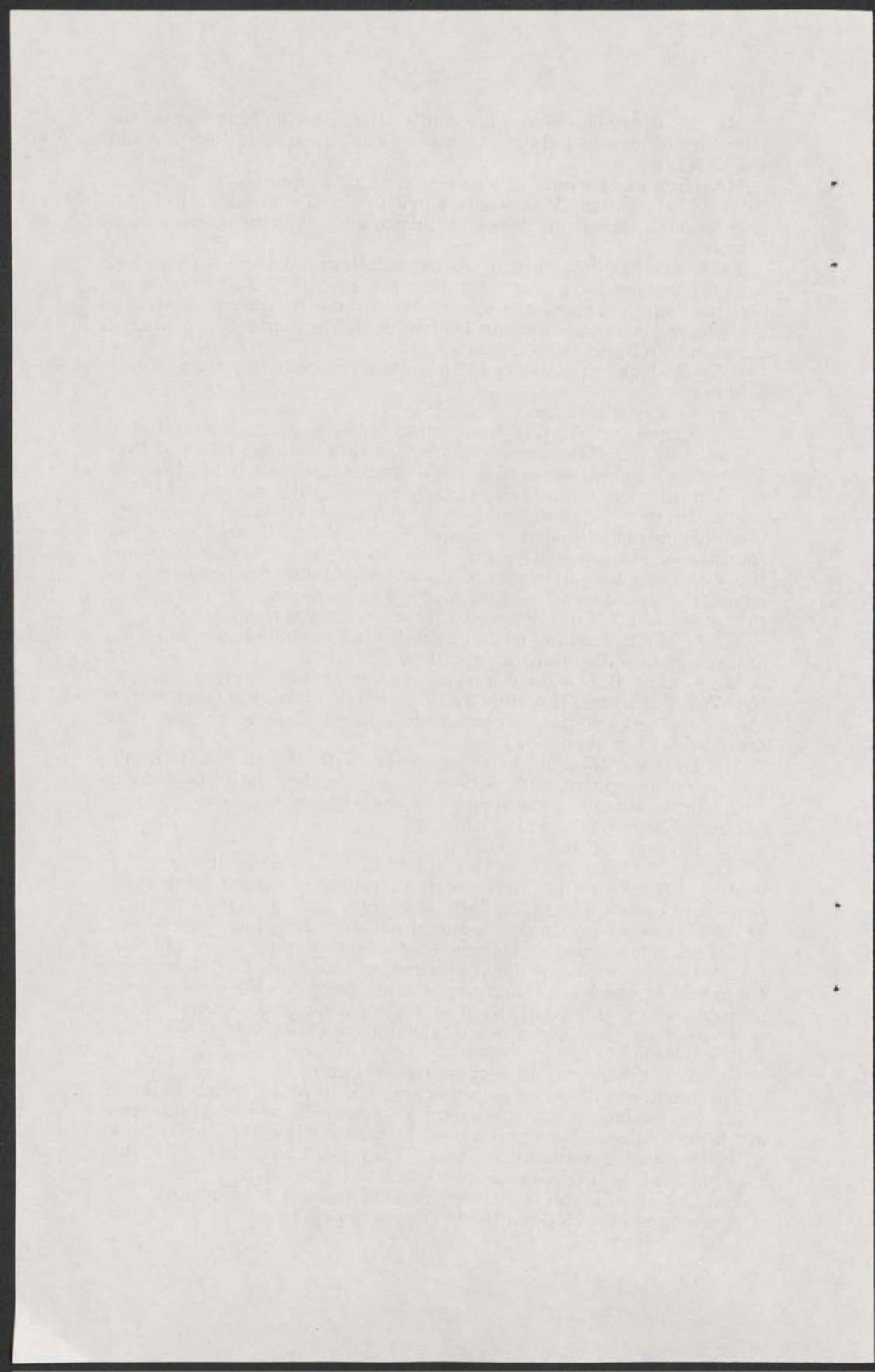
I think this has been a very good basis for beginning to lay a factual foundation for a congressional position on this issue. Certainly given the extent to which the Congress in the last few years has been playing an increasingly important role in the formulation of American foreign policy, I think the time for us to take a much closer look at this issue is long overdue.

I want to thank you all very much for coming.

The hearing will continue tomorrow, I believe, at which time we will have testimony from Assistant Secretary Harold Saunders and also from William Quandt who used to work for the NSC, but is now with the Brookings Institution and so can speak to us unfettered by his obligation to maintain the party line.

I want to thank you for coming and the hearing is adjourned.

[Thereupon at 5:25 p.m., the hearing was adjourned.]





## U.S. POLICY AND THE CONFLICT IN THE WESTERN SAHARA

TUESDAY, JULY 24, 1979

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
SUBCOMMITTEES ON AFRICA AND ON  
INTERNATIONAL ORGANIZATIONS,  
*Washington, D.C.*

The subcommittees met jointly at 10:30 a.m., pursuant to notice, in room 2255, Rayburn House Office Building, Hon. Stephen Solarz (chairman of the Subcommittee on Africa) presiding.

Mr. SOLARZ. The hearing of the subcommittee is hereby called to order.

Today we will be continuing our hearings on the conflict in the western Sahara, which commenced yesterday. During yesterday's hearing we heard from several witnesses, all of whom seem to agree that this is an issue of growing importance for U.S. policy in North Africa, and to some extent in the Middle East and Africa as well.

Today we hope to get a better understanding of U.S. policy in that part of the world from two individuals, one of whom has a contemporary and a continuing responsibility for American policy in that part of the world. Mr. Harold Saunders, the Assistant Secretary of State for Near Eastern and South Asian Affairs, as well as from William Quandt, who was a member of the National Security Council, where he was the office director for Middle Eastern Affairs. Having helped to facilitate a peace treaty between Egypt and Israel, he obviously thought to get out while the going was good. Mr. Quandt has authored full-length studies of Algerian politics and U.S. policy toward the Arab-Israeli conflict. A former professor of political science at the University of Pennsylvania, he is currently with the Brookings Institution.

I am going to ask Secretary Saunders to begin his testimony and then after he is finished to ask Mr. Quandt to give us his testimony. But before you begin testimony, Mr. Secretary, I gather there was some interest on your part about the possibility of going into executive session later on as a way of facilitating your testimony.

I would frankly prefer as much of this as possible to be on the record. I would like to ask you, if I might, one or two questions about the need for going into closed session. My primary interest at this point is establishing exactly what American policy is toward the conflict in the western Sahara, toward arms sales to Morocco, the extent to which policy has or has not changed over the course of the last year or 2, the implications of the current situation in the Sahara for our relationship with both Morocco and Algeria.

And I am not at all sure why the answers to these questions ought necessarily to come only in closed session. I should think this is the kind of thing that can easily be answered in public session. I have an open mind on it if you really think we ought to go into closed session.

Mr. SAUNDERS. Let me explain what was in our minds because certainly we can answer questions about policy in open session. That is not the problem. We feel we are at a moment where we ought to look at the present situation as it is changing and the implications for existing policy.

We would like to use this opportunity to have a true consultation with the members of the subcommittee about the policy options which are before us. We did this in closed session with Senator Stone's subcommittee on the Senate side Friday. I think it was a rather successful discussion. We just laid out the options that are before us from continuation of present policy right on through some of the options for change.

It seems to me that is where the really interesting discussion can lie, not just in a rehash of why we are where we are, although obviously that needs to be put on record, but it can be put on the record rather quickly.

So, one way or another I think it time for a genuine consultation between the executive and this committee. Now, whether you want to do it today or some other makes no difference to me. But that is the substance of the problem as far as we are concerned.

Mr. SOLARZ. We will certainly welcome the opportunity for meaningful consultations with the Department and the executive branch. And in the past I think that is a tradition, at least with respect to this issue, that has been established and maintained.

Are there any questions, however, concerning the current situation there which you would feel unable to frankly answer in public at this time?

Mr. SAUNDERS. Well, there are always questions about the reasoning behind policy that are more easily dealt with in privacy than in public. In public obviously we have to make a formal statement of our position for the record. It does not permit us to get very deeply into the reasons behind where we are.

Mr. SOLARZ. I assume we do not have a public position and a private position on that issue.

Mr. SAUNDERS. That is not the issue but when you delve into reasons of why you are doing what you are doing, as in human affairs generally, we all stop at a certain point in public and in private you go much more into the real reasons behind what you are doing.

That is going to be the case in a public hearing no matter where it is.

Mr. SOLARZ. Well, this is a constant problem every time we have a hearing. And obviously we do not have as a standard procedure a public hearing and then at the end of it go into executive session. Generally when we go into executive session, it involves highly classified materials which relate to the national security or other developments which would not be to the advantage of the Nation to become public.

And I am not quite sure that applies here. Obviously, we would like this to be as productive as possible. If there are things you feel unable to tell us in public session that it is important for us to know,



everyone in the past has always voted to go into executive session under those circumstances.

But I have to confess I am not quite sure what you are telling us here in terms of the desirability of doing this in closed session.

Mr. GOODLING. Mr. Chairman, would you yield?

Mr. SOLARZ. Yes.

Mr. GOODLING. I think when we are talking about a consultation session we have no idea what is going to be said: What we may ask or the witnesses may say. I for one think it would be a good idea to respect their wishes along those lines.

Mrs. FENWICK. I agree.

Mr. SAUNDERS. We have come with the genuine desire to consult with Congress. It has been productive on the Senate side and when I have come to your office and offices of your colleagues. It is a genuine offer of consultation today.

If you would rather we do it some other day, some other time, some other way, that is the committee's decision. We are making an offer. It is up to you whether you want to do it today.

Mr. SOLARZ. We will certainly take you up on your offer of consultation. Hopefully, we can do it today. What I would like to do is to have as much of this on the public record as possible and then we can go into executive session. Because this was called as a public hearing. There was an expectation on the part of the public there would be a public hearing.

I think frankly the public is entitled to know what our present policy is and to have some sense from distinguished witnesses like Mr. Quandt as to what the alternatives are. To the extent there is also a desirability for consultations, we can facilitate that and will do so, for example early.

But let's try to do as much as we can on the record and, time permitting, we will go into executive session as well.

Mr. SAUNDERS. I thought maybe having seen Dr. Quandt's testimony that maybe the overview of the initial statement might well come from him, if that is OK with you, and then I will dig into the policy part of it, omitting the overview part of it, if that is a reasonable division of labor.

Mr. SOLARZ. Mr. Quandt. Your testimony will, of course, be included in the record as it was prepared and feel free to summarize your views.

#### STATEMENT OF WILLIAM QUANDT, SENIOR FELLOW, THE BROOKINGS INSTITUTION

Mr. QUANDT. Thank you. I have prepared a written statement that I would like to place in the record and I will not repeat it here. I will simply make a few general points about the nature of American interests concerning the Sahara conflict and some of the choices facing us.

Let me emphasize that both my written statement and my remarks today are made in a personal capacity. They do not reflect Government policy. I am not a member of the Government. And they do not reflect the views of the Brookings Institution.

First, I would like to say a few words about why the Sahara conflict is of importance to the United States. There are, of course, many reasons one could point to, but it seems to me that the central concerns we have are that the continuation of this conflict is having a very corrosive effect on the viability and strength of an important country in North Africa with which we have had friendly relations in the past and with which we hope to have friendly relations in the future, namely, Morocco.

The economic and political consequences of the continued conflict in the Sahara for Morocco are likely to be very negative. And I believe that an early end to that conflict will strengthen Morocco and eventually strengthen the prospects for stability in North Africa.

Second, as the conflict continues, there is an increasing risk that it will spread beyond the conflict in the Sahara to engage the regular forces of Morocco and Algeria. And it seems to me that this could be a much more dangerous conflict than the Sahara conflict per se. It would run the risk of a major escalation of violence; it would run the risk of drawing in greater Soviet involvement as an arms supplier to one side of the conflict at a time when I believe the Algerian Government is anxious to pursue a balanced foreign policy and not see its dependence on any outside power increased.

I do not think it productive today to spend a great deal of time talking about the rights and wrongs of the Sahara conflict and how the parties got to where they are at present. We cannot make a determination as to who is right and who is wrong in this conflict that will in any sense usefully guide our policy.

It is enough to say that Morocco and Algeria, and the Saharans organized under the Polisario, and the Mauriticians all feel strongly about their positions, and we are not easily going to convince them they are wrong.

As this conflict goes on, I think we have to ask ourselves about the prospects of either a military or a political solution. I am not a military expert, but from all I know there seems to be little prospect of a military solution in the near term. The Saharan guerrillas do not have the power to evict Morocco from the Sahara.

They have succeeded rather well in neutralizing the Mauriticians in their sector of the Sahara. But against the Moroccan army, although they can inflict damage, I do not believe they can succeed in a military sense in imposing their will over the entire territory. Nor does it appear to be possible for the Moroccan armed forces to completely bring this territory under control, at least within any reasonable time period or without extraordinary expenses, which probably are not going to be made.

Unfortunately, the military stalemate does not yet seem to have produced a conclusion on the part of all parties that a political settlement is the only alternative, which I strongly believe it is. Unless one or more parties change their present positions, there is not yet the makings of a political settlement.

I do believe that in time the logic of a political negotiated settlement will impose itself on each of the parties. But I do not want to make it appear as if a political settlement is in sight. The present positions of the parties—Morocco, Algeria, the Polisario—are not now compatible and will require some further evolution. And it is by encouraging that evolution that I believe outsiders can perhaps be helpful.



As you are all aware, the Organization of African Unity has recently tried to encourage a political solution by calling for a cease-fire and a referendum to determine the views of the population of the Sahara. As laudable as these goals may be, I believe that in the present circumstances, while the fighting goes on, a referendum is simply not practical. You cannot get people to express their will freely in the present circumstances in the Sahara, even if you could define the population eligible to participate.

So, for the moment the preconditions to carry out the OAU recommendations are not there, even if the parties were prepared to offer their cooperation, which I understand is not the case, at least on the basis of what I know of their policies.

But there is an underlying point in the OAU recommendation which I think is solid and should be carefully considered by all the parties. That point is that the population living in this area, despite the fact that it is small and poor and has little voice on the international scene, should have some role in determining its own future. How that should be done, what way, and certainly with what eventual outcome is not for me to say.

Let me finish my remarks with some comments about American policy and the choices facing us. I believe our choices fall basically into two categories. One, on the diplomatic front—are there alternatives for American policy to encourage a peaceful settlement, which I think is clearly in the American interest? Second, does our present arms policy toward Morocco facilitate a peaceful solution or impede it, or does it have no impact on it whatsoever, in which case we might also want to consider it simply in terms of United States-Moroccan relations?

On the first, the diplomatic side, I think it would be a mistake to believe that the conflict has not been solved for lack of mediators. There have been plenty of parties offering their services as mediators: The Saudis, French, and Spanish, all of whom have rather good contacts with the parties involved.

What has been lacking to date is the will to settle, not the lack of a mediator. We could nonetheless make a clearer and more forceful statement of our own interest in seeing the conflict brought to an end. This is not the same as offering our services as a mediator. I do not happen to believe they are necessary. But despite the fact that we have gone through the motions of supporting a peaceful settlement, I do not believe that we have convinced the major parties that it is a high-priority concern of American policy.

We have treated it as a relatively minor issue on the scale of our foreign policy objectives, and compared to many things, of course, it is much less important. Nonetheless, I think we could more forcefully explain to our friends in Morocco and in Algeria, as well as the most promising of the mediating parties—the French, Spanish, Saudis, some of the African mediators—that we believe the time has come for a determined effort, through whatever means, to bring the conflict to an end.

One step in a positive direction along these lines, it seems to me, would be to have the kind of dialog with King Hassan of Morocco that we have found it difficult to have in the past year—a frank discussion of the issues at stake and our perception of the developments in the

region and our concerns about the future. That dialog is long overdue and we have missed a number of opportunities to have it.

Turning to the arms questions, U.S. policy toward arms to Morocco; here I think we enter a very difficult area partly because of our own interpretation of an agreement that we entered into with Morocco in 1960 whereby we agreed to provide arms to Morocco for the defense of the territory of the Kingdom of Morocco.

We have not been able to come to a clear determination of whether defense of the territory of the Kingdom of Morocco also includes the use of American arms beyond Morocco's recognized borders; that is, those borders which we presently recognize. We are not clear in our own minds how extensive one might interpret legitimate self-defense. Does that include the right of hot pursuit?

All of these are very tricky issues. We run into them in our arms relations with many countries. In the case of Morocco, the terms of the agreement are slightly more restrictive than in many other cases of bilateral arms agreements.

I think the present issue for the Congress and the executive to come to terms with is whether the rather restrictive interpretation we have placed to date on the 1960 agreement is warranted in light of some of the recent developments that have taken place, such as the escalation of Polisario attacks into territory that we recognize as Moroccan territory.

I think this does suggest that we might reconsider, on a rather limited scale, some arms supplies to the Moroccans which we have previously withheld. In making this general suggestion, which I will make more precise in a moment, I think we should have no illusions. Our arms supplies to Morocco will not bring the conflict in the Sahara to an early end.

I do not believe that there is a military solution which can be guaranteed by the supply of any particular American weapon. At best, and this is perhaps an optimistic interpretation, a modest revision in our present arms supply policy might help to establish a balance of power in the area which would facilitate political negotiations. That, in any case, should be a consideration as we proceed with our arms supply policy.

Another point I would make is that Morocco does appear to have adequate sources of arms at present from European and American sources for her own self-defense in the present circumstances and to pursue the conflict in the Sahara as well. So, no one needs to make a case for any massive increase in arms to Morocco. The Moroccans are not on the verge of being militarily overrun.

There is, however, one item that might be of particular value to the Moroccans which they have not been able to acquire elsewhere. This is a reconnaissance aircraft that would help them to detect Polisario patrols before they reach populated areas. This is a very fast-moving war in the desert. Polisario bands can move across extensive distances very rapidly. And a long-range reconnaissance capability of a limited sort for the Moroccans might help deter the kinds of attacks they have suffered recently within their own territory, as well as threats they have faced elsewhere in the Sahara.

The Moroccans in the past have shown some interest in reconnaissance aircraft, the OV-10 in particular. An alternative might be the OV-1, a somewhat simpler version of the reconnaissance aircraft and



one not as well suited to carrying any offensive weapons. It is basically an unarmed reconnaissance aircraft.

As far as I know, we do not now have a formal request from the Moroccans for either of these aircraft, but we have had in the past expressions of interest. In my view, if the Moroccans do make a request for the OV-10, or preferably the OV-1, this is the kind of case where I think the Congress should give careful and sympathetic consideration to the Moroccan request.

I would not recommend a whole-scale revision of our arms supply policy toward Morocco, nor would I urge at this point that we change our view on the question of sovereignty in the western Sahara, where we have abstained from making a determination and have instead recognized the administrative control of Morocco and Mauritania, without prejudging the final political settlement.

Other Moroccan requests, apart from the requests for reconnaissance aircraft, should be dealt with circumspectly on a case-by-case basis. I would not recommend a blanket reversal of our existing policy. Particularly at a time when the Organization of African Unity has tried to grapple with the Sahara issue and has a resolution on the table calling for a peaceful settlement, a cease-fire, and a referendum of some sort, I do not believe this is the time for an escalation of arms competition in North Africa.

Instead, I believe this is a time to try to give the political process a chance to work, with the one qualification that I made that I do believe the Moroccans have a legitimate interest in enhancing their long-range reconnaissance capability. On that one issue I would urge sympathetic consideration be given to a slight revision in our arms supply policy.

Thank you.

[Mr. Quandt's prepared statement follows:]

PREPARED STATEMENT OF WILLIAM B. QUANDT, SENIOR FELLOW, THE  
BROOKINGS INSTITUTION

The Sahara Conflict

Among the world's trouble spots, the Western Sahara has not been of much interest to the international community or to the United States. And yet, for the past four years a small-scale war has been underway in this former Spanish colony which has placed severe strains on the government of Morocco and has raised the prospect of a broader conflict between the regular armies of Morocco and Algeria. In the absence of a clear-cut military solution, which seems unlikely, or a negotiated settlement, which remains elusive, the danger will grow that the Western Sahara conflict could have consequences that go well beyond the immediate territory in dispute. While major U.S. interests have not been deeply affected by the conflict to date, U.S.-Moroccan relations have already been hurt and an expansion of the war would risk greater Soviet involvement in Algeria at a time when the new regime there seems to be seeking an independent course.

There is little point in rehearsing the recent history of the Sahara conflict. International lawyers will argue endlessly over the rights and wrongs of the case, but it is enough to note that the Sahara conflict stems from an unusual process of decolonization, coupled with longstanding rivalry between Morocco and Algeria as regional powers.



From the Moroccan perspective, the Spanish Sahara was Moroccan territory waiting to be liberated. Unlike many other countries, Morocco's independence did not coincide with complete evacuation of foreign forces from territory claimed by Morocco. Decolonization came in stages, and Morocco's territorial aspirations have always exceeded her recognized borders. At various times, Morocco has claimed large sections of Mauritania and Algeria, but Morocco could find little support elsewhere in Africa for the principle of basing present-day borders on alleged "historical rights." The sanctity of the borders inherited from colonialism is one of the few points on which African countries have generally agreed. In due course, Morocco recognized Mauritania and signed, but did not ratify, a border agreement with Algeria.

It was not until the Spanish decided to leave the Sahara colony in 1975 that Morocco had the opportunity to realize a portion of her irredentist claims. By then, Morocco's King Hassan was badly in need of restoring his prestige and authority after having narrowly survived a series of challenges between 1971 and 1973. The Sahara issue appealed to Moroccan nationalism and the King capitalized adroitly on this sentiment. In brief, the King struck a deal with Spain and with Mauritania which allowed him to establish control over the northern two-thirds of the Western Sahara.

The Algerians, who had earlier supported the call for Spanish evacuation, were miffed at being left out and were angered by the defection of their former friends, the Mauriticians. In response, they threw their support behind a group of Saharans opposed to Moroccan hegemony, the Polisario, whom they helped to transform into a credible fighting force. While Algeria does not have territorial claims in the Sahara, it has stuck

to the principle of self-determination for the local population, has provided sanctuary for guerrillas and refugees, and has supplied arms, logistical and diplomatic support to Polisario. The Algerians have hinted that Polisario demands might be met by less than full independence in the entire Western Sahara, but there is little evidence that the Polisario has scaled down its goals in the past year. Indeed, the war has recently been going surprisingly well for the Polisario and there are some reports that Algeria is exercising less influence over Polisario as Libyan support for the Saharan cause has increased.

The most significant change in the nature of the conflict in recent months has been Mauritania's withdrawal from the scene. For all practical purposes, Mauritania has ceded control over her sector of the Sahara to the Polisario in return for a ceasefire, which has been honored until recently. Mauritania wants out of the costly, unwinnable war and has gone so far as to agree to a referendum to determine the wishes of the population, an offer that Polisario has rejected. This has left the Polisario free to concentrate on establishing control over the remainder of the Saharan hinterland, as well as occasionally targeting populated areas within Morocco proper.

No responsible observer believes that a military solution to the conflict is likely. Polisario cannot drive Morocco from the Sahara, nor can the King's forces easily vanquish the Polisario guerrillas as long as they can find assistance and sanctuary in Algeria. An expansion of the conflict to include the regular forces of Algeria and Morocco would raise the costs and risks without necessarily resolving anything. If the conflict is to be brought to an end, it will require political and diplomatic initiatives.



Whether or not the United States can play a useful role in promoting a settlement is uncertain. To date, the Administration has preferred to stand aside, adopting a formal position of neutrality, while encouraging the efforts of others to find a peaceful solution.

#### U.S. Interests

The policy of limited U.S. involvement in the Sahara conflict has stemmed from an assessment that little more was required to protect our interests in the region. Recently, as U.S.-Moroccan relations have appeared to deteriorate, there have been some pressures to increase arms supplies to Morocco, as well as suggestions that the U.S. might help to mediate the conflict. But for the moment, there has been virtually no change in U.S. policy in Northwest Africa. Policy reviews earlier this year concluded that an evenhanded and relatively detached posture toward the Saharan conflict is compatible with continued close relations with Morocco and with our expanding economic ties to Algeria. Insofar as there have been concerns within the Administration, they stem from the unsatisfactory nature of the U.S.-Moroccan military supply relationship today and the effects of the costly Saharan war on Morocco's economic and political future.

The United States has substantial political interests in Morocco and sizable economic interests in Algeria. (For the Soviet Union, the situation is precisely the opposite, with very large Soviet interests in Moroccan phosphates). Morocco has generally adopted moderate positions on African and Middle Eastern issues, and King Hassan has played a modest, discreet role in support of Middle East peace efforts. In return, the United States has maintained close relations with Morocco since independence,

has provided significant economic and military assistance, and has slightly "tilted" in Morocco's favor on the Saharan issue, while nonetheless adhering to the UN-mandated call for self-determination.

As part of our overall relationship with Morocco, the U.S. in recent years has offered PL 480 assistance worth \$26 million in FY 1979; Foreign Military Sales credits worth \$40 million in FY 1979; and modest amounts of development assistance. Morocco has sought additional aid from the U.S., and there is presently some uncertainty as to whether FMS credits for FY 1980 will be \$30 or 45 million. In either event, it would appear that U.S. aid to Morocco, while important, is considerably less significant than grants from Saudi Arabia. At the time of the recent Islamic Conference in Morocco, the Saudis reportedly promised very substantial sums to Morocco, which could go a long way toward meeting Morocco's present needs for external assistance.

While the United States has not enjoyed a particularly close political relationship with Algeria, and the Algerians have frequently taken opposite positions from our own on international issues, we have still managed to develop a substantial economic relationship and to maintain a useful diplomatic dialogue. The new Algerian regime has been largely preoccupied with internal matters in recent months, but the few official contacts we have had with the leadership have been quite cordial. President Carter has extended an invitation to President Bendjedid to visit Washington next year. That could prove to be an important step in the evolution of U.S.-Algerian relations. On the economic front, the United States and Algeria have developed a large trade relationship, totaling nearly \$4 billion in 1978, most of which consisted of Algerian oil sold to the U.S. Nearly half of Algeria's 1 million b.p.d. of low-sulphur oil are sent to the U.S., constituting about 9 percent



of our total oil imports at present. In addition, comparatively small quantities of Algerian liquid natural gas are brought to the east coast of the United States.

Beyond these tangible economic and political interests in Morocco and Algeria, the United States has a stake in the stability of the region and would clearly prefer to see political conflicts peacefully resolved lest they become the entry point for increased Soviet influence. In this context, virtually any resolution to the Sahara conflict which is acceptable to the parties concerned should be acceptable to the U.S. It is less the precise shape of the settlement than a settlement which will last and enhance regional stability that is in our interest.

#### Prospects: Dangers and Opportunities

The most likely prospect for the Sahara conflict is that it will drag on inconclusively for a while longer. This will place a continuing economic and human burden on Morocco and may have the effect of eroding the regime's authority. At its worst, the Sahara conflict has resulted in as many as 100 Moroccan casualties per month and has cost as much as \$800 million annually. Out of frustration, the King might be tempted to act on his declared policy of "hot pursuit" of the Polisario into Algerian territory, but to date he has seemed to recognize that such action could escalate the war without doing much to resolve the underlying political problems.

The continuation or expansion of the war could also have unfortunate consequences for Algeria. There have been some indications that the new regime is undertaking long overdue domestic reforms. A war with Morocco could set back those efforts and might lead Algeria to deepen its dependence on the Soviet Union for military support.

Finally, the weakest of the parties to the conflict, Mauritania and the Saharan population, stand to suffer the most if the war continues. Mauritania has had several changes of government in the past year alone. For the large number of Saharan refugees in Algeria, the continuation of the fighting insures that they will remain living in miserable conditions in refugee camps.

Since there appears to be no likelihood of a military victory, and all parties to the conflict are paying a high price, one might hope that the conditions are ripe for a political settlement. Thus far, such has not been the case. Morocco will take no step that calls into question her sovereignty over the Sahara; the Polisario has shown no signs of being willing to compromise on its demand for an independent state in all of the Sahara; and Algeria continues to back the Polisario and the principle of self-determination.

Nonetheless, there have been discreet contacts among all the parties at various times. Numerous mediation efforts have also taken place. The "wise men" committee of the Organization of African Unity has reportedly recommended a ceasefire and a referendum to determine the views of the Saharan population. Unfortunately, King Hassan and President Bendjedid have not yet had a direct meeting.

All that seems to be lacking is the political will to make the hard choices that might produce a settlement. The Polisario and the Algerians cannot expect Morocco to relinquish control over her portion of the Sahara; Morocco cannot expect Algeria to abandon the Polisario and the concept of self-determination. But between the apparently unworkable alternatives of a fully independent Saharan state and the annexation of the Sahara by Mauritania and Morocco without reference to the wishes of the local



population, a number of possibilities exist. A range of imaginative political solutions -- autonomous regimes, confederal arrangements, cooptation of Saharan leaders, regional cooperation -- can be explored, provided the will to settle is present.

#### U.S. Policy Choices

Two questions need to be addressed: can the United States draw on its diplomatic assets to promote a peaceful settlement? Has the time come for a change in U.S. arms transfer policy toward Morocco?

1. Diplomatic Initiatives. The Sahara conflict has not lacked for mediators. The French, the Spanish, the Saudis, to say nothing of the UN and the OAU, have all made efforts. Direct contacts have also taken place. Given these realities, the United States has not judged it necessary or realistic to take any major initiative to settle the Sahara conflict. This has probably been sound policy, although it could have been modified by conveying forcefully to the parties involved that a political settlement was essential. We are not in a position, however, to shape the contours of such a settlement, nor do we have equal amounts of influence with all of the parties. Nonetheless, we should use every opportunity to emphasize that we support a peaceful, political settlement of the Sahara conflict. In particular, we should lend out support to the call for a ceasefire and the beginning of negotiations.

2. Arms Transfers. By the terms of an agreement between the U.S. and Morocco signed in 1960, we provide Morocco with weapons for the purpose of defending the Kingdom of Morocco. This stipulation was included to prevent the diversion of U.S. arms from Morocco to other Arab countries where they

might ultimately be used against Israel. While the U.S. does recognize that Morocco exercises administrative control in the northern sector of the Sahara, we have not yet recognized Moroccan sovereignty there. As a result, we have been reluctant to sell arms to Morocco which would primarily be used in the Sahara. There has been a degree of flexibility in the interpretation of the 1961 agreement, and a number of efforts have been made with the Moroccans to reach a satisfactory understanding. For the moment, King Hassan remains deeply dissatisfied with U.S. policy on arms transfers and he is pressing for a change which would be tantamount to our dropping all restrictions on end-use of U.S. supplied weapons.

The most immediate case of concern to the Moroccans involves the OV-10 armed reconnaissance aircraft. The Moroccans believe that improved reconnaissance would make it easier to deal with the highly mobile Polisario units that are active in the Sahara.

In responding to the Moroccan request, we must obviously consider a number of factors: consistency with our own laws; the effects on U.S.-Moroccan relations; the effects on the prospects for a peaceful settlement of the conflict. Concerning our own laws, I feel that Congress should share responsibility with the Administration in determining whether the sale of 12 OV-10s is consistent with the 1961 agreement. It is a close call, but with the expansion of Polisario attacks into Morocco proper, it is easier to justify the sales than it was in the past. We should not, however, operate under any illusion that the OV-10 will insure a swift Moroccan victory. One alternative to the OV-10 might be the less-expensive OV-1 reconnaissance aircraft which could more easily be made available to the Moroccans.



One risk is that the net effect of additional arms sales will be to push the conflict to a higher level of intensity, with the Soviets offsetting whatever we do. In the process, the Algerians would become more, rather than less, dependent on Soviet arms.

I would personally recommend that the Administration and Congress give sympathetic consideration to Morocco's request to purchase a small number of OV-10s or OV-1s. If the decision is positive, however, I believe that it should be accompanied by a serious dialogue with the Moroccans on the need for a political settlement of the Sahara conflict. King Hassan has shown a tendency to ask us for arms but to resist any genuine discussion of how to reach a resolution of the problem. In providing arms, we also assume some responsibility for how they are used. For example, I think we should be quite frank in explaining to King Hassan that U.S. military equipment cannot be used in cross-border attacks into Algeria if the policy of hot pursuit is in fact applied. If King Hassan is unwilling to accept such conditions, he may do better to turn to European suppliers. Other Moroccan arms restraints should be carefully weighed on a case-by-case basis.

In sum, we cannot allow our military supply relationship with Morocco to dry up entirely, but at the same time we should recognize that more arms will only marginally affect the outcome of the Sahara dispute. The OV-10 or OV-1 will help Morocco to improve its reconnaissance capability; it does not represent an escalation of the Moroccan-Algerian arms rivalry and poses no threat to Algeria; and it could help to stabilize the military standoff in the Sahara. But King Hassan should not draw the conclusion that U.S. arms will henceforth be available to win the frustrating war in the Sahara. Instead, he should be encouraged to use any additional strength to strike the best political deal that he can, to negotiate an honorable settlement, before the costs of the conflict further erode Morocco's economic strength and the King's own authority.

Mr. SOLARZ. Thank you.  
Mr. Secretary.

**STATEMENT OF HON. HAROLD SAUNDERS, ASSISTANT SECRETARY  
OF STATE FOR NEAR EASTERN AND SOUTH ASIAN AFFAIRS**

Mr. SAUNDERS. I found in several years of working closely with Bill Quandt that we work faster when we can make our remarks complement each other. I will try without duplication to do that today in order to give the subcommittee members a second perspective, not so much a different perspective on the issue as a basis for discussion.

Let me just begin by underscoring the American interests in this area. Dr. Quandt has laid out several, but I just want to emphasize the importance of this area on the southern coast of the Mediterranean to us strategically. I want to emphasize the fact that both Algeria and Morocco play important roles in Africa and the Middle East and, therefore, our relations with them are important in that context as well as for their own intrinsic merits.

And, finally, there are of course important national resources, petroleum and phosphates, in these areas. So, we are dealing with an area of consequence for American interests.

In the modern era, we have maintained a close political relationship with the Moroccans. We have had bases in Morocco over past years which have only been closed at our initiative in the past year. Morocco has historically taken like-minded views on international problems ranging from those in Zaire to the complex set of issues involved in the Arab-Israeli conflict.

With Algeria, we have had strong and growing common economic interests. Our relations have gradually improved over the last 5 years since the reestablishment of diplomatic relations in 1974. The current evolution of the new Algerian Government provides a moment of opportunity for further consolidating that mutually productive relationship.

I might add here this is also a relationship in which a number of Americans from the private sector are carrying the burden of the American presence because of the technology that they can make available to the Algerians and because of the contribution they can make at Algerian request to the development of Algeria.

So, we have here two countries where we have a substantial interest in continuing the kind of close relationship that we have had in the past. It is into this complex of interests that the Saharan conflict is introduced. We do not need to go into the history of the conflict but rather to come down to the problem that it poses for us today.

The basic fact from which we take off today is that the United States, along with most all other countries, recognizes the present state of affairs to be that Morocco and Mauritania have assumed administrative control of the territory of the western Sahara, but we continue to believe that the question of its ultimate sovereignty remains unresolved.

Against the background of the guerrilla war which has brought us to our present situation now, we believe that we face in the few past weeks a new situation. The Polisario, which had declared a cease-fire with Mauritania almost exactly 1 year ago, ended that a few days ago

by a strong attack on a Mauritanian post just before the convening of the African summit in Monrovia.

At the same time, Polisario attacks continued in the Moroccan portion of the western Sahara but have now been expanded so they are taking place within the territory that we would call the Morocco proper. These attacks have taken place, the first one back in January, but since, on May 31, June 4, June 11, June 27, July 14, and probably yesterday. So this is an emerging pattern of military activity which we have not seen before. And I think it creates a situation which we have to take into account.

As Dr. Quandt said, it is difficult at this point to see how either side can win a military victory. But as he also pointed out, a peaceful solution to the dispute does not appear immediately at hand either. Morocco has consistently rejected calls for a referendum arguing that the population of the Sahara expressed its will through the meeting of its territorial assembly at the time of the administrative transfer of the territory from Spain.

The renewed appeal for a referendum, this time by the OAU Committee of Wisemen, was considered last week at the OAU summit meeting in Monrovia. A resolution was passed there which calls for a cease-fire and a referendum. The Moroccan Government has not yet responded officially to this call by the OAU but appears willing to accept the principle of a cease-fire while continuing to set aside the idea of a referendum.

Now, a negotiated solution also seems distant. Both Morocco and the Polisario claim sovereignty over the entire Moroccan portion of the western Sahara. Recent information suggests that the Polisario may have begun to lay claims to portions of the southern Morocco proper. This leaves less room for compromise than we have experienced in the past.

Moreover, Morocco claims its dispute is with Algeria, without whose support the Polisario could not survive. It insists negotiations should be directly with Algeria, while Algeria maintains the dispute is between Morocco and the Polisario and any negotiations should be between those two parties.

Now, many countries and international organizations have offered to try to resolve this dispute. And it is for that reason that the United States has not taken a central role, although we have considered this option on a number of occasions over the past 4 years.

There is no need to enumerate the various efforts that have been made but there has been a steady progression of them. There have been exchanges between the Moroccan and Algerian Governments at various levels informally on this subject.

Finally, as I have mentioned, representatives of the OAU Committee of Wisemen talked with everyone in the past few months in an effort to find a common ground for a peaceful solution. We favor a peaceful and negotiated solution which respects the rights of the inhabitants and we have made this clear to all concerned parties.

As I say, we have not ourselves offered to mediate; however, we have offered to help each of these countries and organizations. And we are in repeated touch with them constantly assessing the opportunities for a new effort to see whether there is anything that we can do directly.



Now, this dispute faces us with difficult policy choices. Once again, the United States finds itself on the horns of a dilemma not of its own making. The Sahara dispute makes it difficult to pursue the interests which I outlined earlier in the way that we would like to pursue them with either Algeria or Morocco without encouraging the suspicion and even the hostility of the other country.

In trying to work this tangle of contradictions through, we have sought as closely as possible to work with the Congress. And as you pointed out, Mr. Chairman, I think there has been a good tradition of informal discussions over the last 2 years on this subject.

We have consistently, I think, agreed together that we recognize Moroccan administrative control in the Sahara while noting that the sovereignty issue remains unresolved. This remains a credible policy shared by most other countries and there is no intention at this point of suggesting that we change that perception of the problem.

Mr. SOLARZ. Bill, if it is OK for you, why don't we recess 7 or 8 minutes and we will be right back.

[Whereupon, a brief recess was taken.]

Mr. SOLARZ. Ladies and gentlemen, the hearing is called to order. Mr. Secretary, we interrupted you in the middle of a brilliant exposition of African policy.

Mr. SAUNDERS. I was trying to explain the problem. I am not sure about the policy.

Let me take a few more minutes.

Against the background of this situation and the interest I have described, we want to maintain our traditional close relationship with Morocco to the fullest extent possible while preserving the opportunity to continue building the relationship with Algeria that has evolved so steadily over the last 5 years. With congressional approval we are continuing to provide financing for Moroccan military purchases and to furnish military training for Moroccan personnel.

The President received King Hassan here in Washington last November. Secretary of Commerce Kreps and then-Deputy Secretary Duncan visited Morocco this year in an effort to keep the dialog going at a high level. We are trying to expand academic exchanges, technical cooperation, trade, and investment with Morocco.

However, in one area, our military supply relationship, the conflict between our bilateral interests in Morocco and our Saharan policy has proved increasingly difficult to resolve. In practice, our policy of recognizing Moroccan administrative control but not sovereignty over a portion of the Western Sahara had meant a willingness to continue our historic role of arms supplier to the Moroccan Government, but only for weapons to be used to defend the territory of Moroccan property. But as you are aware, this policy has been easier to enunciate than to implement, and at times it has become a sticking point in our bilateral relations with Morocco. And now that attacks on Moroccan property have become a regular problem, I believe we are altogether faced with a new problem.

Since the beginning of this year the situation our policy is designed to cope with has changed in fundamental ways, as I have pointed out. And I believe that it will be increasingly difficult to maintain Moroccan understanding for the arms supply relationship that we have maintained. Therefore, I think that we are at a point of examining how to continue the relationship with Morocco that we want while preserving

what we wish to preserve of the arms supply policy that we have followed. And that is the issue before us.

I will be glad to answer questions about present policy, and as I have indicated, I think at some point we will want to continue our consultations privately so that we can really delve into the dilemma that this poses to us, the options which are available to us. We have made no new decisions. The policy remains unchanged at the moment. And it is the new decisions that we would like to bring the Congress in on the takeoff.

[Mr. Saunders' prepared statement follows:]

PREPARED STATEMENT OF HON. HAROLD SAUNDERS, ASSISTANT SECRETARY OF  
STATE FOR NEAR EASTERN AND SOUTH ASIAN AFFAIRS

MR. CHAIRMAN AND CONGRESSMEN,

I SEE THIS DISCUSSION TODAY ON U.S. POLICY TOWARDS THE WESTERN SAHARA AS PART OF A SERIES OF CONSULTATIONS WE HAVE HAD WITH BOTH HOUSES OF CONGRESS ON THIS SUBJECT BEGINNING ALMOST TWO YEARS AGO. THESE CONSULTATIONS HAVE COVERED BOTH THE BROAD ISSUE OF THE WESTERN SAHARA AND SPECIFIC POLICY QUESTIONS AS THEY HAVE FACED THE ADMINISTRATION.

OUR REGIONAL AND BILATERAL INTERESTS

IT IS IMPORTANT AT THE OUTSET TO PUT U.S. POLICY TOWARDS THE WESTERN SAHARA IN THE CONTEXT OF OUR POLICY TOWARDS NORTHWEST AFRICA IN GENERAL:

- SINCE THE EARLY DAYS OF OUR INDEPENDENCE, THIS REGION HAS BEEN IMPORTANT TO US BECAUSE OF ITS LOCATION ON THE SOUTHERN LITTORAL OF THE MEDITERRANEAN, CONTROLLING THE LOWER HALF OF THE STRAITS OF GIBRALTAR.
- IT IS IMPORTANT TO US BECAUSE OF THE ROLE IT PLAYS BOTH IN AFRICA AND IN THE MIDDLE EAST.
- IT IS IMPORTANT BECAUSE OF ITS NATURAL RESOURCES--PETROLEUM AND PHOSPHATES.

MOROCCO

IN THE MODERN ERA, WE HAVE HAD A CLOSE RELATION-



SHIP WITH MOROCCO, WHICH SHARED MANY OF OUR INTERESTS, BOTH GLOBALLY AND REGIONALLY:

- ON THE STRATEGIC SIDE, WE HAD SAC BASES IN MOROCCO UNTIL 1963, AND WE MAINTAINED NAVAL COMMUNICATIONS BASES THERE UNTIL WE CLOSED THEM AT OUR INITIATIVE LAST YEAR. MOROCCO CONTINUES TO PERMIT PORT VISITS BY U.S. NAVAL VESSELS AND TO ALLOW U.S. MILITARY AIRCRAFT TO TRANSIT TO DESTINATIONS SUCH AS SAUDI ARABIA.
- MOROCCO HAS HISTORICALLY TAKEN A MODERATE POSITION ON THE ARAB-ISRAEL QUESTION. IT HAS THE LARGEST JEWISH POPULATION OF ANY COUNTRY IN THE ARAB WORLD--ALMOST 20,000-- AND ENCOURAGES THE RETURN TO MOROCCO OF JEWS WHO HAVE MIGRATED TO ISRAEL. KING HASSAN WAS THE FIRST ARAB LEADER TO FAVOR EGYPTIAN PRESIDENT SADAT'S TRIP TO JERUSALEM. WHILE ASSOCIATING HIMSELF WITH THE MAJORITY OF ARAB COUNTRIES IN OPPOSITION TO THE EGYPT-ISRAEL TREATY, KING HASSAN MAINTAINS HIS PERSONAL FRIENDSHIP WITH SADAT AND SUPPORTS THE PRINCIPLE OF A PEACEFUL, NEGOTIATED SOLUTION TO THE ARAB-ISRAEL DISPUTE.

-- IN AFRICA, MOROCCO HAS CONSISTENTLY SUPPORTED MODERATE FORCES. MOROCCO TWICE SENT TROOPS IN RESPONSE TO REQUESTS FROM ZAIRE TO MAINTAIN STABILITY IN THAT COUNTRY'S SHABA PROVINCE. IT OPPOSES SOVIET AND CUBAN INTERVENTION IN AFRICA.

#### ALGERIA

WHILE WE HAVE NOT HAD THE SAME SIMILARITY OF VIEWS ON REGIONAL AND INTERNATIONAL ISSUES WITH ALGERIA AS WE HAVE WITH MOROCCO, OUR RELATIONS WITH ALGERIA HAVE BEEN STEADILY IMPROVING SINCE WE REESTABLISHED DIPLOMATIC RELATIONS IN 1974. WE ARE ALGERIA'S LARGEST TRADING PARTNER. IT SUPPLIES US WITH ABOUT NINE PERCENT OF OUR CRUDE OIL IMPORTS. AMERICAN FIRMS HAVE WON \$6 BILLION IN CONTRACTS IN ALGERIA IN RECENT YEARS FOR ENGINEERING AND CONSTRUCTION SERVICES. THESE ECONOMIC RELATIONS ARE ONLY ONE INDICATION OF A PRAGMATIC APPROACH OF THE ALGERIAN GOVERNMENT, AS A RESULT OF WHICH WE ARE ABLE TO MAINTAIN A FRANK AND FRIENDLY DIALOGUE ON A WIDE VARIETY OF SUBJECTS.

#### THE WESTERN SAHARA

INTO THIS FABRIC OF BILATERAL RELATIONS WHICH I HAVE DESCRIBED THERE INTERVENED IN THE MID-1970S THE WESTERN SAHARA DISPUTE.

WHEN SPAIN DECIDED TO WITHDRAW FROM THE AFRICAN COLONY KNOWN AS SPANISH SAHARA, THE MOROCCAN GOVERNMENT ACTIVATED AN HISTORIC CLAIM TO THE TERRITORY. THE GOVERNMENT'S EFFORT REFLECTED STRONG IRREDENTIST FEELINGS THROUGHOUT MOROCCO, WHICH CONSIDERED SPANISH SAHARA AS PART OF MOROCCO'S HISTORIC TERRITORY AND VIEWED ITS REACQUISITION AS THE CONTINUATION OF A GRADUAL PROCESS OF DECOLONIZATION WHICH BEGAN WHEN THE FRENCH PROTECTORATE REGIME ENDED IN THE MOROCCAN HEARTLAND IN 1956. AFTER A COUPLE OF YEARS OF INTENSE DIPLOMATIC MANEUVERING, SPAIN TRANSFERRED ADMINISTRATIVE CONTROL TO MOROCCO AND MAURITANIA UNDER THE MADRID AGREEMENT OF 1975.

MOROCCO'S QUEST AROUSED LITTLE SYMPATHY IN THE REGION, PARTICULARLY IN ALGERIA AND AMONGST SOME OF THE TRIBES WHICH TRADITIONALLY LIVED IN AND AROUND THE SPANISH SAHARA. THE CASE HAD BEEN REFERRED TO THE ICJ IN THE HAGUE, WHICH RULED IN EFFECT THAT THE DISPUTED TERRITORY HAD HAD HISTORIC LINKS TO THE KINGDOM OF MOROCCO BUT THESE DID NOT CONSTITUTE TIES OF SOVEREIGNTY, AND THAT SOVEREIGNTY COULD BE ESTABLISHED ONLY BY DETERMINING THE WILL OF THE INHABITANTS. MOROCCO, HOWEVER, TOOK THE ICJ RULING AS LEGITIMIZING



ITS CLAIM TO SOVEREIGNTY. IT REPLACED THE SPANISH ADMINISTRATION IN THE NORTHERN TWO-THIRDS OF THE TERRITORY, WHILE MAURITANIA TOOK OVER THE REST. THE CIRCUMSTANCES OF THE TAKEOVER WERE CONFUSED. MOROCCO CLAIMS THAT THE INHABITANTS EXPRESSED THEIR WISHES THROUGH A VOTE BY THOSE MEMBERS OF THE SPANISH SAHARA TERRITORIAL ASSEMBLY WHO WERE AVAILABLE AFTER MOROCCO HAD ENTERED THE TERRITORY (A SCANT MAJORITY). THIS EVENT HAS NOT BEEN GENERALLY RECOGNIZED AS CONSTITUTING AN EXERCISE OF SELF-DETERMINATION.

THE U.S., ALONG WITH ALMOST ALL OTHER COUNTRIES, RECOGNIZED THAT MOROCCO AND MAURITANIA HAD TAKEN OVER ADMINISTRATIVE CONTROL OF THE TERRITORY BUT CONTINUED TO BELIEVE THAT THE QUESTION OF ITS ULTIMATE SOVEREIGNTY REMAINED UNRESOLVED. TRIBAL AND OTHER SAHARAN GROUPS OPPOSED TO MOROCCAN CONTROL, WHICH HAD COALESCED, BEFORE THE SPANISH DEPARTURE, INTO THE POLISARIO MOVEMENT, BEGAN A GUERRILLA MOVEMENT AGAINST MOROCCAN AND MAURITANIAN ARMED FORCES IN THE TERRITORY, WITH ARMS AND SANCTUARY PROVIDED BY ALGERIA.

THE POLISARIO DECLARED A CEASEFIRE WITH MAURITANIA IN JULY 1978 WHICH IT ENDED EXACTLY A YEAR LATER WITH A STRONG ATTACK ON THE MAURITANIAN POST OF TICHLA IN THE SOUTHERNMOST PORTION OF THE FORMER SPANISH

SAHARA. MEANWHILE, POLISARIO ATTACKS CONTINUED IN THE MOROCCAN PORTION OF THE WESTERN SAHARA. IN ADDITION, THE POLISARIO INCREASED ITS ACTIVITIES IN SOUTHERN MOROCCO PROPER, WITH MAJOR ATTACKS ON JANUARY 28, MAY 31, JUNE 4, JUNE 11, JUNE 27 AND JULY 14 OF THIS YEAR. SOME OF THESE PROBABLY INVOLVED HUNDREDS OF POLISARIO TROOPS.

IT IS DIFFICULT AT THIS POINT TO SEE HOW EITHER SIDE CAN WIN A MILITARY VICTORY, BUT A PEACEFUL SOLUTION TO THIS DISPUTE DOES NOT APPEAR AT HAND.

-- MOROCCO HAS CONSISTENTLY REJECTED CALLS FOR A REFERENDUM, ARGUING THAT THE POPULATION EXPRESSED ITS WILL THROUGH THE MEETING OF THE TERRITORIAL ASSEMBLY. A RENEWED APPEAL FOR A REFERENDUM, THIS TIME BY THE OAU COMMITTEE OF WISEMEN, WAS CONSIDERED LAST WEEK AT THE OAU SUMMIT MEETING IN MONROVIA. A RESOLUTION WAS PASSED CALLING FOR A CEASEFIRE AND A REFERENDUM. THE MOROCCAN GOVERNMENT HAS NOT YET RESPONDED OFFICIALLY, BUT APPEARS WILLING TO ACCEPT THE PRINCIPLE OF A CEASEFIRE WHILE CONTINUING TO REJECT THE IDEA OF A REFERENDUM.

-- A NEGOTIATED SOLUTION ALSO SEEMS DISTANT. BOTH MOROCCO AND THE POLISARIO CLAIM SOVEREIGNTY OVER THE ENTIRE MOROCCAN PORTION OF THE WESTERN SAHARA. RECENT INFORMATION SUGGESTS THAT THE POLISARIO MAY EVEN HAVE BEGUN TO LAY CLAIM TO PORTIONS OF THE SOUTHERN MOROCCO PROPER. THIS LEAVES LESS ROOM FOR COMPROMISE THAN EVER. MOREOVER, MOROCCO CLAIMS THAT ITS DISPUTE IS WITH ALGERIA, WITHOUT WHOSE SUPPORT THE POLISARIO COULD NOT SURVIVE. IT INSISTS THAT NEGOTIATION SHOULD BE DIRECTLY WITH ALGERIA. ALGERIA, FOR ITS PART, MAINTAINS THAT THE DISPUTE CONCERNS MOROCCO AND THE POLISARIO, AND THAT ANY NEGOTIATIONS SHOULD BE BETWEEN THOSE PARTIES.

MANY COUNTRIES AND INTERNATIONAL ORGANIZATIONS HAVE OFFERED TO TRY TO HELP RESOLVE THE DISPUTE. SPAIN, AS THE FORMER COLONIAL POWER, HAS DISCUSSED THE PROBLEM WITH BOTH SIDES, MOST RECENTLY DURING THE VISIT OF PRIME MINISTER SUAREZ TO ALGERIA IN APRIL AND OF KING JUAN CARLOS TO MOROCCO IN JUNE. FRANCE ALSO EXAMINES THE SITUATION PERIODICALLY WITH THE



COUNTRIES INVOLVED, AND SAUDI ARABIA HAS TRIED ONCE AND POSSIBLY TWICE TO HELP RESOLVE THE ISSUE. FINALLY, REPRESENTATIVES OF THE OAU COMMITTEE OF WISEMEN TALKED TO ALL CONCERNED WITHIN THE PAST FEW MONTHS IN AN EFFORT TO FIND COMMON GROUND FOR A PEACEFUL SOLUTION.

WE FAVOR A PEACEFUL, NEGOTIATED SOLUTION WHICH RESPECTS THE RIGHTS OF THE INHABITANTS AND HAVE MADE THIS CLEAR TO ALL CONCERNED PARTIES. WE HAVE NOT OURSELVES OFFERED TO MEDIATE BECAUSE OF THE NUMBER OF OTHER COUNTRIES AND ORGANIZATIONS WHICH ARE ALREADY INVOLVED AND WHICH ARE BETTER PLACED THAN WE TO PERFORM THIS SERVICE. HOWEVER, WE HAVE OFFERED TO HELP EACH OF THESE COUNTRIES AND ORGANIZATIONS IN ANY WAY THAT WE CAN.

#### U.S. POLICY

THIS DISPUTE HAS FACED US WITH DIFFICULT POLICY CHOICES.

ONCE AGAIN THE UNITED STATES FOUND ITSELF ON THE HORNS OF A DILEMMA NOT OF ITS OWN MAKING. THE SAHARA DISPUTE BETWEEN MOROCCO AND ALGERIA MAKES IT DIFFICULT FOR US TO PURSUE OUR INTERESTS IN THE WAY WE WOULD

LIKE TO WITH EITHER COUNTRY, WITHOUT INCURRING THE SUSPICION AND EVEN HOSTILITY OF THE OTHER.

IN TRYING TO WORK OUR WAY THROUGH THIS TANGLE OF CONTRADICTIONS WE HAVE SOUGHT TO WORK AS CLOSELY AS POSSIBLE WITH CONGRESS. WE HAVE CONSISTENTLY AGREED ON RECOGNIZING MOROCCAN ADMINISTRATIVE CONTROL WHILE NOTING THAT THE SOVEREIGNTY ISSUE REMAINS UNRESOLVED. THIS IS A REASONABLE AND CREDIBLE POLICY SHARED BY MOST OTHER COUNTRIES; I HAVE NO INTENTION OF SUGGESTING TODAY THAT IT SHOULD BE CHANGED. THE PROBLEM IS HOW WE APPLY IT IN SPECIFIC CASES, AND MOST PARTICULARLY THE QUESTION OF HOW IT AFFECTS OUR RELATIONS WITH MOROCCO.

WE WISH TO MAINTAIN OUR TRADITIONAL CLOSE COOPERATION WITH MOROCCO TO THE EXTENT POSSIBLE. WITH CONGRESSIONAL APPROVAL, WE ARE CONTINUING TO PROVIDE FINANCING FOR MOROCCAN MILITARY PURCHASES AND TO FURNISH MILITARY TRAINING FOR MOROCCAN PERSONNEL. THE PRESIDENT RECEIVED KING HASSAN IN WASHINGTON LAST NOVEMBER, AND SECRETARY OF COMMERCE KREPS AND THEN DEPUTY SECRETARY OF DEFENSE DUNCAN VISITED MOROCCO THIS YEAR. WE ARE SEEKING TO EXPAND ACADEMIC EXCHANGES, TECHNICAL COOPERATION AND TRADE AND INVESTMENT WITH MOROCCO. HOWEVER, IN ONE AREA--OUR MILITARY SUPPLY

RELATIONSHIP--THE CONFLICT BETWEEN OUR BILATERAL INTERESTS IN MOROCCO AND OUR SAHARA POLICY HAS PROVEN INCREASINGLY DIFFICULT TO RESOLVE.

IN PRACTICE, OUR GENERAL POLICY OF RECOGNIZING MOROCCAN ADMINISTRATIVE CONTROL BUT NOT SOVEREIGNTY OVER A PORTION OF THE WESTERN SAHARA HAS MEANT A WILLINGNESS TO CONTINUE OUR HISTORIC ROLE OF ARMS SUPPLIER TO THE MOROCCAN GOVERNMENT, BUT ONLY FOR WEAPONS TO BE USED TO DEFEND THE TERRITORY OF MOROCCO PROPER. AS YOU ARE AWARE, THIS POLICY HAS BEEN EASIER TO ENUNCIATE THAN TO IMPLEMENT, AND AT TIMES IT HAS BECOME A STICKING POINT IN OUR BILATERAL RELATIONS WITH MOROCCO.

FURTHERMORE, SINCE THE BEGINNING OF THIS YEAR THE SITUATION OUR POLICY IS DESIGNED TO COPE WITH HAS CHANGED IN FUNDAMENTAL WAYS. THE MOST SIGNIFICANT NEW DEVELOPMENT IS PROBABLY THE FACT THAT, AS I HAVE NOTED, THIS YEAR THE POLISARIO HAS BEEN VIGOROUSLY CARRYING THE WAR INTO AREAS WITHIN MOROCCO'S HISTORIC BOUNDARIES. MOROCCO IS NO LONGER FIGHTING ONLY TO PACIFY A REGION IT HAS ANNEXED; IT IS ALSO DEFENDING ITSELF WITHIN ITS OWN TERRITORY AGAINST EXTERNAL ATTACK. THE POLISARIO'S DECISION TO INCREASE



THE SCOPE AND INTENSITY OF THE FIGHTING HAS MADE THE QUEST FOR PEACE MORE DIFFICULT. IT HAS ALSO MADE IT MORE DIFFICULT FOR US TO MAINTAIN MOROCCAN UNDERSTANDING FOR A U.S. ARMS SUPPLY POLICY OF GREAT RESTRAINT.

I AM PREPARED TO DISCUSS THESE MATTERS IN MORE SPECIFIC TERMS, PARTICULARLY THE RELATED QUESTIONS OF HOW THE U.S. CAN MORE EFFECTIVELY CONTRIBUTE TO THE GOAL OF A PEACEFUL, NEGOTIATED SOLUTION OF THE DISPUTE, AND HOW WE CAN BETTER MANAGE THE CONTRADICTIONS INHERENT IN OUR RESTRICTIONS ON MOROCCAN USE OF U.S.-SUPPLIED ARMS. I BELIEVE, HOWEVER, THAT THIS CAN MOST USEFULLY BE ACCOMPLISHED IN CLOSED SESSION.

Mr. SOLARZ. Thank you very much for your testimony. We certainly appreciate your willingness and determination to continue consultations with the committee. Since I understand you have to leave at 12:30, what I would like to suggest as a kind of general guideline is that we remain in public session until about 11:45 and then go into closed session, and then we can have the final 45 minutes in closed session with you.

If that is not objectionable, I would like to begin by asking Dr. Quandt a few questions since we will have more time to explore some of these issues with you a little later.

Dr. Quandt, on page 2 of your testimony you made the point that Morocco recognized Mauritania and signed but did not ratify a border agreement with Algeria. Could you briefly tell us why Morocco did not ratify the border agreement with Algeria?

Mr. QUANDT. To the best of my recollection, the conflict over the Sahara was beginning to emerge about the time the question of ratification arose and King Hassan simply did not proceed with final ratification. I think this was a political signal to the Algerians that Morocco was not going to recognize Algeria's border as long as the Sahara conflict was still unresolved. I am not aware of any further developments on that score.

Mr. SOLARZ. Was there a similar agreement, border agreement, with Mauritania?

Mr. QUANDT. The agreement with Mauritania had to do with the partition of the Sahara. First there was recognition of Mauritania by Morocco. Morocco recognized Mauritania within its previous frontiers. Then they later divided the Sahara and agreed on a line of division.

Mr. SOLARZ. That agreement recognizing Mauritania was ratified?

Mr. QUANDT. I believe so, yes.

Mr. SOLARZ. But the one recognizing the borders of Algeria was not ratified?

Mr. QUANDT. In the case of Mauritania, it involved recognition of Mauritania within its acknowledged borders. In the case of Algeria, Morocco recognized Algeria but had a border dispute with them.

Mr. SOLARZ. On page 3 you said, "The Algerians have hinted the Polisario demand might be met by less than full independence in the entire Western Sahara." Could you tell us briefly where they gave these things, when, and to whom, and what they consisted of?

Mr. QUANDT. As I understand it, the formal position of Algeria is that the Polisario represents the population and they support the Polisario's official position of independence for all the Sahara. There have been cases in discussions with Algerian officials over the past year or so of a greater degree of flexibility. There is some recognition that Moroccan interests in the northern sector of the Sahara are substantial and that any agreement would have to take that into account, and that some territorial compromise might be a possibility. I cannot go into greater detail about who said what to whom and on what occasion, but I think that is nonetheless a fair reflection of Algerian policy as I understand it over the past year.

There was some flexibility with regard to recognizing a special Moroccan interest in the northern sector of the Sahara and, if necessary to accommodate that interest, something less than full independence for all the Saharan territory would be a possibility that Algeria would support.



Mr. SOLARZ. Did they seem to be thinking along the lines of a Polisario state in less than all of the Sahara or were they thinking in terms of some kind of autonomy for the Saharan people within the framework of a Moroccan sovereignty?

Mr. QUANDT. I think the Algerian position, as I understand it, was that they still favored a state, but perhaps in less than all of the western Sahara.

Mr. SOLARZ. Now, you also indicated on page 3 of your testimony that the Polisario has rejected the idea of a referendum to determine the wishes of the population of the people of the Sahara. My impression was that the Polisario was prepared to accept a referendum.

Mr. QUANDT. My statement was that they rejected the idea of a referendum just in the Mauritanian sector. They have rejected the idea of limiting a referendum only to the Moroccan sector. As you know, one alternative some people talk about is a Saharan entity only in the Mauritanian sector. As I understand it, the Polisario rejection only had to do with the notion of splitting the Mauritanian and Moroccan sectors.

Mr. SOLARZ. But they presumably would be prepared to accept the referendum in all sectors?

Mr. QUANDT. I cannot speak authoritatively on that, but I see no reason why they would not.

Mr. SOLARZ. Our current policy toward arms sales to Morocco is that we are prepared to provide them with arms that are presumably suitable for use for the defense of what you call the Moroccan proper; is that correct?

Mr. SAUNDERS. Yes; that is correct. And that is what we have done.

Mr. SOLARZ. And our current position has been we will not sell them arms which are designed explicitly for use in the Sahara?

Mr. SAUNDERS. Yes; we have had discussions over the last months about whether there was some understanding that could be reached which would provide us assurance that if we sold equipment that might be applicable to use to the Sahara, that it would indeed only be used in the Moroccan proper.

And we have not succeeded in working out any understanding of that kind.

Mr. SOLARZ. And they have often refrained from providing assurance that equipment we give them will not be used in the Sahara?

Mr. SAUNDERS. That is correct.

Mr. SOLARZ. My understanding is we have tried to resolve the dilemma by selling them equipment not suitable for use in the Sahara but which might serve other military purposes. Is that correct?

Mr. SAUNDERS. I do not think that we have tried to solve the dilemma by doing that. The fact is that where equipment has been requested that was not appropriate for use in the Sahara, we felt there was no problem in providing it, but that does not resolve the basic dilemma we have been talking about.

Mr. SOLARZ. Well have we until now provided them with new military equipment which has been suitable for use in the Sahara?

Mr. SAUNDERS. We have not in recent months provided any major system simply because our program has been at a standstill.

Mr. SOLARZ. Well has it been our position until the present time that we would not as a matter of policy sell them military equipment which was suitable for use in the Sahara or was there no such policy?



Mr. SAUNDERS. That has been our practice in recent months. If you reach back into the earlier periods of our program when we were indeed actively selling equipment, this was not an issue. We have not in recent months, since that has become an issue, as I say, provided major new systems.

Mr. SOLARZ. My recollection is when we have had hearings on this in the past, the position of the administration given was that we wanted to continue to sell arms to Morocco but since they refused to give assurances the arms will not be used in the Sahara, we were confining ourselves to the sale of only those arms which were presumably not suitable for use in the Sahara?

Mr. SAUNDERS. That is correct.

Mr. SOLARZ. That was the policy?

Mr. SAUNDERS. Yes.

Mr. SOLARZ. Is that still the policy?

Mr. SAUNDERS. Yes.

Mr. SOLARZ. How did we distinguish between what was suitable for use in the Sahara and what was not? Can you give us an indication of what we sold them?

Mr. SAUNDERS. Well for instance, something like a ship-to-ship missile, an air defense system, or things of that kind I think would be clearly not suitable for use in the desert warfare.

Mr. SOLARZ. And you think this description meets the character of the kind of equipment we have been selling them for the last few years, that is to say, equipment which was not suitable for use in the Sahara?

Mr. SAUNDERS. That is true. I think we have actually leaned over backward to try to stay within the confines of that policy.

Mr. SOLARZ. You have indicated a new situation has developed in the sense that Polisario cadres are attacking Moroccan installations in Morocco proper. Under the doctrine of hot pursuit, have our people had an opportunity to examine whether within the framework of the 1960 agreement where we provide Morocco with arms for the defense of Morocco proper they are entitled to use the arms we give them in hot pursuit of Polisario cadres that have attacked installations in Morocco proper?

Would that be in our interpretation a legitimate use of military equipment we have given them?

Mr. SAUNDERS. This is the kind of issue we are examining. But I think this is what we need to consult together about. We need to talk about how one might or whether one should reinterpret the meaning of self-defense in this new context.

Mr. SOLARZ. Well we can get into that, I suppose, in the closed session. Just one or two more questions. Do we have an interest in preventing in any way the establishment of an independent Saharawi state in the western Sahara? Would the establishment of such a state be incompatible with our interests?

Mr. SAUNDERS. We have taken the position that we are neutral on the outcome. We have supported the notion that there should be, as has been stated in the U.N. resolution on the subject, that there should be an act of self-determination through consultations.

Mr. SOLARZ. And if as the result of that process an independent state were established, we would not consider that to be incompatible with our interests?

Mr. SAUNDERS. I think that our view of our interests is something that we do not state in advance of somebody else's decision about his future. We have taken the position that we are neutral as to the outcome of that process.

Mr. SOLARZ. So whether the outcome of the process resulted in the perpetuation of the status quo, or some kind of Moroccan sovereignty over two-thirds of the Sahara, or the establishment of an independent state, is not directly related, in your judgment, to our interests; our interests are in effectuating a resolution of the conflict through the peaceful process and through self-determination?

Mr. SAUNDERS. That is our formal position.

Mr. SOLARZ. Has Algeria reacted to the arms we have been selling to Morocco? Has our arms sales policy with respect to Morocco been a source of tension in our relationship with Algeria?

Mr. SAUNDERS. It has been a source of discussion, but I think we have found that the level at which we are now operating is one everybody is accustomed to and it has not, to my recollection, occasioned serious comments from the Algerian side.

Mr. SOLARZ. One of the major justifications for increasing the supply of arms to Morocco or supply arms to Morocco has been the extent to which Morocco has been a moderate force in the politics of the Middle East.

People have pointed out the extent to which the King helped support the peace initiative of President Sadat. Yet, since the treaty has been signed, Morocco has voted for the Baghdad resolution. It severed diplomatic relations with Egypt. It refused to permit an Egyptian delegation to attend the Islamic conference in Fez. In light of all of these developments can it still be said that Morocco is at the present time a force for moderation in the Middle East?

Mr. SAUNDERS. I think the answer is still yes because if I can be presumptuous and state what I think Moroccan interests are, I do not think it is in Morocco's interest to stay long in close alinement with the rejectionists in the Middle East.

I do not think that is the interest of most of the Arab countries who were at the Baghdad summit, and I would expect us over time to see a reemergence of the more natural Moroccan position. So while the position at the moment has not been helpful, I would think our interest would be in banking, as I say, on a more natural expression of Morocco's real interests later on, which would be to support the efforts to achieve a reasonable negotiated settlement and to see Egypt's position strong as a moderate force in the area.

Mr. SOLARZ. Mr. Goodling?

Mr. GOODLING. You said that we should do one thing for sure, Dr. Quandt, and that is make a more clear and forceful statement as to just what our interests and policies are. You did not give any specifics. Do you have any specifics in mind?

Mr. QUANDT. The one thing I will repeat is, I believe we need to have the kind of frank and serious discussion with the leadership in Morocco, and that really means with King Hassan, that we have not successfully had in the past year or so as the situation has deteriorated. I have no reason to believe the King is not aware of the situation, but I am not sure he has heard our views on some of the risks as this conflict continues.



As you no doubt know, we do not at present have an Ambassador in Morocco. Whenever an Ambassador does go out, I think he would have as high priority establishing that kind of dialog with the Moroccan leadership, but clearly something needs to be done before that happens. We need to open that channel in a way that we have not, in my judgment, succeeded in doing in the past year.

Mr. GOODLING. I am sure that Algeria's concern is not one of self-determination for the area, no matter what they may say. What do you really believe is their major concern? Is their nose just out of joint because they were not a part of the agreement for Spain's withdrawal? What is the problem?

Mr. QUANDT. To a certain extent, I think the Algerian position can be understood as the result of their having been left out of the deal that was cut among Morocco, Mauritania, and Spain. There is, as you know, a longstanding geopolitical rivalry between Morocco and Algeria in that region. And to a substantial degree I believe the two parties are in disagreement over the Sahara for reasons of historical competition in the area rather than highly principled positions per se.

It is difficult, however, for a regime such as Algeria's which fought for its own independence, called for its own self-determination, to take anything other than a formal position in support of self-determination. As I have suggested, there are perhaps more nuances in their real position than in that formal position.

But I think when you add together Algeria's position of leadership in the Third World, its own revolutionary past, its geopolitical rivalry with Morocco, and the extent to which they were outmaneuvered in 1975 at the time the Sahara issue was dealt with by Spain, you have the basis for understanding their present position.

Mr. GOODLING. Do you have any comments, Mr. Secretary?

Mr. SAUNDERS. I would add one point. It is traditional Algerian policy to support wars of national liberation and liberation movements. So I think in the context of what Dr. Quandt said, it is also natural that the Algerians support the Polisario in this effort.

Mr. GOODLING. But I would fully concur with the reasons he elaborated. Having read several articles recently in relationship to the Polisario, who would you say they are actually today? Not who they were, but who are they today?

Mr. QUANDT. To my knowledge, I have never met anyone from the Polisario, so I am not very well equipped to talk about the present leadership. I think what you are really asking is who supports them and who has influence over them.

I suspect that most of them genuinely do come from the Sahara area, whether they lived in the Moroccan or Mauritanian or the border regions. It is not so much a question of which tribe they are from, but the question of who influences them today, who supports them, and do they represent an independent actor or are they in some sense an agent of other powers.

Certainly there is a component of the Polisario which represents the aspirations of the local population not to come under anyone else's control. I am enough a student of North African history to know this is a longstanding traditional pattern of tribes resisting central authority. It is not that they are nationalists; it is simply they do not want to take orders from any central government.



And to some extent what we are seeing is this traditional resistance to central authority expressing itself in modern nationalist terminology. Obviously, the educated members of this population recognize that nationalism and self-determination are very appealing concepts in the international arena today. But the basic political impulse is simply resistance to outside authority.

That has been true as long as history has been recorded in that region. The history of Morocco can almost be written in terms of the expansion and contraction of central authority and resistance to that authority from the tribal groups on the periphery. This is one of these tribal groups with a longstanding adverse relationship with central government. It would be the same if it were Algeria or any of the other countries that border the Sahara.

It is clear the Algerians do provide the bulk of support today to Polisario. They provide the sanctuary which is important and essential to a movement of this sort.

Increasingly one hears reports that the Libyans also are supporting the Polisario. I have no independent information on that, but I am prepared to believe that may account for what appears to be a somewhat more independent and aggressive Polisario stance. The Polisario is perhaps less responsive to Algeria today than it was in the past and is more able to play off its various supporters, Libya and Algeria, and adopt a somewhat more aggressive and independent policy.

Mr. GOODLING. Thank you.

Mr. SOLARZ. Mrs. Fenwick.

Mrs. FENWICK. Thank you, Mr. Chairman.

Dr. Quandt, I wondered before colonial times and before anybody interfered, were there only tribes there? Was this area ever part of Morocco? Was there a Kingdom of Morocco that extended into this area at any time?

Mr. QUANDT. If you go back far enough in North African history, there were Moroccan empires that included Spain as well as the territory all the way down to the Senegal River. We can get into an interesting argument regarding what basis that provides for present-day borders. I suppose many Spaniards would not be too happy about that, or southern Frenchmen.

But the Moroccan empires from the 12th and 13th centuries expanded and contracted. And the core of it was always built around the cities of Rabat and Fezo, and the central area of Morocco that we know. But there was no well-defined border for what we would call Morocco over any prolonged period of time. The hinterland would align itself with the Moroccans, and it would break away and it would shift back and forth.

It has only been in the present era of the 20th century that the concept of drawing lines on a map in the desert regions and calling them international borders made any sense. You did not talk about territorial control in that sense. It was the allegiance of tribes. And that came and went. It was not a territorial concept as much as a network of tribal alliances that defined the nature of the empire or kingdom at any given time.

Mrs. FENWICK. Was there then, since I phrased it so wrongly, a tribal alliance between those who inhabited that area now called western Sahara and the Kingdom of Morocco?

Mr. QUANDT. There were periods when such alliances existed and when such alliances were broken.

Mrs. FENWICK. When was the last one?

Mr. QUANDT. You are getting beyond my area of expertise. You would have to go into 19th century history to find the maximum extent of Moroccan control prior to the colonial period. I suspect it included a portion of the Sahara, but I cannot honestly tell you how much.

Mrs. FENWICK. When did the Spanish get there?

Mr. QUANDT. The Spanish assumed effective control over northern Morocco and the Sahara in the early 20th century, around 1912, at the same time the French established their protectorate over Morocco.

Mrs. FENWICK. So the Spaniards went into what is called western Sahara now, at that time?

Mr. QUANDT. I don't know the exact date, but Spain did not complete its conquest of the Sahara until the 1930's.

Mrs. FENWICK. And who protested? Anybody?

Mr. QUANDT. I honestly do not know.

Mrs. FENWICK. Did the Berbers? Did the tribes? Did Morocco?

Mr. QUANDT. I simply cannot answer the question. I do not know.

Mrs. FENWICK. Well, it is not a very clear picture. If you took a scale of dependability and reasonableness; and you put Libya at one end and the Sudan, let us say, at the other, where would Algeria fit?

Mr. QUANDT. It sounds a little bit like the kind of report cards we have heard about with people asking about loyalty and reliability. And since I did not much like that exercise, I do not think I will like this one. If I were forced to do it, I would say that increasingly Algeria belongs at the center or toward the Sudan end of that scale rather than the Libyan end of that scale.

Mrs. FENWICK. So the development has been toward more stability and more kindly treatment of their populations?

Mr. QUANDT. I believe there is a serious effort to focus on issues of development of their society and of reforming some of the structures that have not proved to be terribly efficient. I do not believe one could characterize present day Algeria as belonging to the most extreme or radical of countries.

Mr. SAUNDERS. If I could add one point, I think the International Court of Justice asked itself many of the questions that you were just thinking about and, its conclusion, which it announced in 1975, was there have been allegiances but they did not constitute a base for Moroccan sovereignty. That is one Court's judgment which the Moroccans did not accept, but it is the inquiry of one group into precisely the subjects you are asking about.

Mr. SOLARZ. Mr. Derwinski.

Mr. DERWINSKI. I understand you are interested in going into executive session very shortly so I will make a brief comment. I have read the complete statements of Secretary Saunders and Dr. Quandt. The Secretary's statement is interesting to me because knowing the process by which that there has to be approval along the lines, I am amazed there is no reference here to human rights and individual rights of citizens involved. And I thought that this administration was motivated entirely by nobility and that human rights was a key factor.



All I see here is a tortured balance between what is U.S. interests in Morocco, U.S. interests in Algeria, and obvious disregard for the factor of Soviet leverage in Algeria and a disregard for Soviet leverage in Libya. I am amazed that you come to the Hill without these more noble concepts involved. So I just can't figure that one out.

Quite frankly, I think this administration's policy toward Morocco has been an absolute disgrace. It falls into the same pattern we have had with Iran and Nicaragua where we are letting down our friends. And no wonder we don't have a foreign policy left. I think the whole attitude toward Morocco is one of the sad chapters of the Carter administration foreign policy. And this statement merely fortifies my recognition of what I think is basic incompetency.

Having said those noble things, if you want to go into executive session and be told even worse things, fine. We will go into executive session.

Mr. SOLARZ. We will go into executive session in a few minutes. Far be it from me to disagree with the distinguished gentleman from Illinois, but my sense is for better or worse there has been more or less of a continuation of our foreign policy toward Morocco from the previous administration into the current one.

And if there is fault to be found, I think it would lie on the shoulders of both just as both would have to share credit if any credit is to be given. Mr. Secretary, I don't know if you want to respond to that before we go into executive session—

Mr. SAUNDERS. I don't think there is a point. I would recommend a closed session where we can get down to the real issues.

Mr. SOLARZ. Just one final question in open session if you feel you can comment on it. Your testimony in the beginning in response to my question is that our policy, at least until the present, has been to refrain from selling arms to Morocco which were suitable for use in the Sahara because we have not yet recognized their claims to sovereignty over that area. If that is in fact the case, why did we permit the Moroccans to buy through Italy the heavy-duty helicopters when most people seem to believe are not only suitable for use in the Sahara but are likely to be used in the Sahara?

Mr. SAUNDERS. That was a special case which came about because of a variety of circumstances, one of which was that the Moroccans in making that purchase had not realized there was any American involvement in the sale of the helicopters. The contract had been concluded, or at least the agreement on the sale had been concluded, before we got into this current line of policy. And in the end we felt the honest thing to do was to permit the arrangement to be concluded as something of a one-time case, without reference to our current policies.

Mr. SOLARZ. Could you tell us which American military equipment to your knowledge is being used in the Sahara or has been used?

Mr. SAUNDERS. To our knowledge, there is only one item of equipment that has been provided under U.S. military assistance agreements and therefore would be subject to the agreement that we are talking about; namely, the F-5 aircraft. Now there are other items of U.S. origin equipment that have been purchased outside the framework of formal agreements. And there are some items in Mauritania as well.



Mr. SOLARZ. When you say they were purchased outside the framework of formal agreements, does that mean they were not purchased from us but purchased on the international arms market?

Mr. SAUNDERS. Or bought commercially from the supplier in the United States. This is true of, for instance, 12 C-130's that Morocco just bought on the market.

Mr. SOLARZ. In other words, when a country buys arms commercially, another community in the United States, the agreements that we have with every country when we give them FMS restricting the use of that equipment to legitimate self-defense is not applicable?

Mr. SAUNDERS. That is right. The restrictions apply to those transactions that are conducted under the law where the restrictions are provided for. And if the items are purchased in some other way and not under that law, then obviously by law—

Mr. SOLARZ. And this is true with respect to other countries as well?

Mr. SAUNDERS. Oh, yes.

Mr. SOLARZ. In other words, if Turkey had bought American arms commercially rather than through the FMS mechanism, they would have been free to use them say on Cyprus without violating American law in the process.

Mr. SAUNDERS. I am not an expert in that case. I assume the answer is yes. It is certainly true with other cases which I am familiar.

Mr. SOLARZ. So the only arms we have sold them under the FMS mechanism with respect to which these restrictions apply where they have been presumably violated are the F-5E's?

Mr. SAUNDERS. That is right.

Mr. SOLARZ. We have reports they have used GMC trucks, 105- and 155-mm guns, and 31-mm ammunition, rocket launchers from Tally Industries, 106-mm recoilless guns, Bell helicopters, and machinegun ammunition.

Do you know if this kind of equipment was used? If it was, was it purchased commercially?

Mr. SAUNDERS. We would have to go back and compare that list against the list of transactions. Maybe Deputy Assistant Secretary Murray has a fuller answer to that. If not we can take the list and check it out.

Mr. MURRAY. I really don't know.

Mr. SOLARZ. Could you do that? I think it would be helpful for the record. It is one thing if Morocco is using equipment there and another if they are using it in violation of restrictions. I think it would be helpful for the committee, too.

At this point the Chair will entertain a motion of one of the members of the African Subcommittee to go into executive session. We have to exclude the other subcommittee because we won't be able to get a quorum. But we will permit you to remain anyway.

Mrs. FENWICK. I will so move.

Mr. SOLARZ. The motion is made. I think under the rules the clerk will call the roll.

Mr. CARSON. Mr. Chairman.

Mr. SOLARZ. Aye.

Mr. CARSON. Mr. Diggs.

[No response.]

Mr. CARSON. Mr. Collins.

[No response.]

Mr. CARSON. Mr. Gray.

[No response.]

Mr. CARSON. Mr. Wolpe.

[No response.]

Mr. CARSON. Mr. Fithian.

[No response.]

Mr. CARSON. Mr. Goodling.

Mr. GOODLING. Aye.

Mr. CARSON. Mr. Buchanan.

[No response.]

Mr. CARSON. Mrs. Fenwick.

Mrs. FENWICK. Aye.

Mr. SOLARZ. The "ayes" appear to have it. Mr. Secretary, I don't know what the proper procedure is with respect to Dr. Quandt. Do you have a problem of his remaining?

Mr. SAUNDERS. I would request from our point of view he remain.

Mr. SOLARZ. Well, I think we would like him to stay as well.

The hearing is hereby closed and anyone not authorized to remain will please promptly depart.

[Whereupon, at 11:45, the open hearing of the Subcommittees on Africa and International Organizations adjourned, and the Subcommittee on Africa moved into executive session.]

## APPENDIX 1

### THE LEGAL ISSUES OF THE WAR IN WESTERN SAHARA, BY JEFFREY SCHULMAN, URBANA COLLEGE

#### INTRODUCTION

Since 1975, hostilities have raged in the Western Sahara between Morocco and Mauritania, and the inhabitants, over who will control the territory. At stake, aside from the vast phosphate reserves the territory contains,<sup>1</sup> is the inhabitants' inalienable right to self-determination, and the danger historical ties pose for the sanctity of boundaries. The following three items provide a framework for analysis of the legal issues involved: (1) the *Advisory Opinion on Western Sahara*,<sup>2</sup> by the International Court of Justice, in which Morocco and Mauritania assert their territorial claims were judicially recognized; (2) the Madrid Accords, whereby Spain attempted to transfer authority over the former Spanish Sahara to Morocco and Mauritania; and (3) the announcement of the creation of a Saharan Arab Democratic Republic by the inhabitants upon the departure of the Spanish from the territory.

#### THE ADVISORY OPINION

On December 13, 1974, in pursuance of its long standing discussion on decolonization of the Spanish Sahara, the General Assembly of the United Nations adopted a resolution<sup>3</sup> requesting an advisory opinion of the International Court of Justice.<sup>4</sup> Response to the resolution in the international community was divisive. To Morocco and Mauritania, who claimed the territory, the opinion would help facilitate a final determination on the status of the area.<sup>5</sup> Others felt the issue was an inappropriate one for the International Court of Justice.<sup>6</sup>

As adopted, the resolution requested an advisory opinion on the following two questions: First, was Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)? Second, if the answer to this question was in the negative, what were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?<sup>7</sup>

Prior to rendering an opinion, the International Court of Justice had to respond to a jurisdictional challenge brought by Spain,<sup>8</sup> which had not consented to an

<sup>1</sup> Production under the Spanish, begun in 1953, reached exportation level of six million tons annually by 1975. The only countries exceeding this figure are Morocco and the United States. Production could be increased to ten million tons annually since the reserves contain thirteen billion tons of rock 70-80% rich in phosphate. See Stephen Carrington, "La Lutte Pour L'Independence du Sahara Espagnol," *Le Monde Diplomatique*, August 1974.

<sup>2</sup> *Advisory Opinion on Western Sahara*, (1975) I.C.J. Rep. 12 (hereinafter cited as *Advisory Opinion*).

<sup>3</sup> G.A. Res. 3292, 29 U.N. GAOR Supp. 31 at 103-04, U.N. Doc. A/9631 (1974).

<sup>4</sup> Under U.N. Charter art. 96, para. 1; I.C.J. Stat. art. 65, para. 1.

<sup>5</sup> Statements to the General Assembly on 30 September and 2 October 1974 by the Ministers for Foreign Affairs of the Kingdom of Morocco and the Islamic Republic of Mauritania, and Algeria to the General Assembly's Fourth Committee, U.N. Doc. A/C. 4/SR. 2117, 2125, 2130; statement by Algeria, U.N. Doc. A/PV. 2265 at 57-60 (1974). Algeria, and others, endorsed the request provided the opinion would not derogate from the paramountcy of the inhabitants' right to self-determination.

<sup>6</sup> To Spain, the "questions formulated . . . were, from a legal standpoint, ambiguous, incomplete, and irrelevant" with regard to decolonization. U.N. Doc. A/C. 4/SR. 2131, at 8 (1974); Ambassador Salim Ahmed Salim, Chairman of the United Nations Special Committee of 24 on Decolonization and Permanent Representative of the United Republic of Tanzania to the United Nations, stated before the General Assembly's Fourth Committee on 24 November 1975:

"Put very succinctly, our reluctance stemmed from our conviction that it was not appropriate to refer to the International Court of Justice a case which to us and to the United Nations was a clear-cut colonial question to be given the same treatment as any other non-self-governing territory. It was, and still is, our position that whatever might have been the situation in the past, the territory was a colony to be decolonized in accordance with the provisions of United Nations resolutions and established United Nations practice." U.N.Q. Against Apartheid, Racial Discrimination and Colonialism, *Objective Justice*, 4 (No. 4, 1975).

<sup>7</sup> *Supra* note 3.

<sup>8</sup> *Advisory Opinion* at 22-29.



earlier Moroccan request that the Court adjudicate the status of the territory.<sup>9</sup> Spain invoked the rule, repeatedly reaffirmed in the Court's jurisprudence, that a State cannot, without its consent, be compelled to submit its disputes with other States to the Court's adjudication.<sup>10</sup> In the *Advisory Opinion on the Status of Eastern Carelia*,<sup>11</sup> the Permanent Court of International Justice applied this rule to advisory jurisdiction. Spain contended that this decision had not been modified by the present Court and was decisive,<sup>12</sup> otherwise, the advisory procedure would circumvent the independence of States by achieving compulsory jurisdiction through a majority vote in a political organ.<sup>13</sup>

Although acknowledging Spain's lack of consent, the Court distinguished the *Status of Eastern Carelia*.<sup>14</sup> There one of the States was neither a party to the Statute of the Permanent Court nor a Member of the League of Nations. In the present case, Spain is a Member of the United Nations, has accepted the Charter and Statute, and thus, has consented to the Court's advisory jurisdiction.<sup>15</sup> Citing the *Advisory Opinion on the Interpretation of Peace Treaties with Bulgaria, Hungary, and Romania*,<sup>16</sup> which elucidated the principles governing contentious procedure as opposed to advisory opinions, the Court held consent relevant, not for competency, but for the propriety of giving an opinion.<sup>17</sup> Only when a reply would circumvent the principle that a State is not obliged to submit its disputes for adjudication, could lack of consent render the giving of an opinion improper.<sup>18</sup>

While Spain had not consented to adjudication of the existing controversy, the conditions necessary for the envisaged exception to the Court exercising its advisory jurisdiction were found to be absent. The four determining criteria for discounting the exception were: (1) the controversy arose within the General Assembly rather than bilaterally;<sup>19</sup> (2) the issue concerned the territory at the

<sup>9</sup> Letter dated 23 September 1974 from the Minister for Foreign Affairs of Morocco addressed to the Minister for Foreign Affairs of Spain stating:

"You, the Spanish Government, claim that the Sahara was *res nullius*. You claim that it was a territory or property left uninherited, you claim that no power and no administration had been established over the Sahara; Morocco claims the contrary. Let us request the arbitration of the International Court of Justice at The Hague \*\*\* It will state the law on the basis of the titles submitted, U.N. Doc. A/9771, Annex (1974)."

<sup>10</sup> The International Court of Justice has jurisdiction to decide contentious cases and give advisory opinions. In contentious cases, the Court's jurisdiction is conditional on the consent of the parties to the dispute. Under I.C.J. Stat. art. 36, para. 1, the Court has jurisdiction over all cases which the parties refer to it. A unilateral reference to the Court will be sufficient if the other party consents then or subsequently to adjudication of the dispute. Assent is neither required before the initiation of proceedings, nor in any particular form. *Corfu Channel Case* (Preliminary Objection), (1948) I.C.J. Rep. at 15 *et seq.* Assent by conduct can scarcely be inferred where the respondent State consistently denies that the Court has jurisdiction; *See Anglo-Iranian Oil Company Case* (Jurisdiction), (1952) I.C.J. Rep. 93 at 114. However, where there is no consent the case must be removed from the Court's list. The Court ordered such removal when Argentina and Chile denied jurisdiction in respect of British references of disputes with them concerning Antarctica. (1956) I.C.J. Rep. at 12, 15. Similarly, with the United States' application against the Soviet Union regarding the aerial incident of 4 September 1954, (1958) I.C.J. Rep. at 158. Spain contended that this rule was applicable to advisory jurisdiction. The Court has refused to exercise its advisory jurisdiction where the main point on which an opinion was requested was decisive of a controversy between certain States and one of these States was not before the Court. To render an opinion under such circumstances would be to adjudicate without the consent of one party. *Advisory Opinion on the Status of Eastern Carelia*, Pub. P.C.I.J. (1923), Series B, No. 5 at 27-29. However, the Court can render an opinion which may clarify a factor in a dispute between States or between a State and an international institution, provide guidance for an international organ, or determine the effect to be given to a multilateral Convention, notwithstanding that one of the States concerned is not before the Court or has not consented. *Advisory Opinion on the Interpretation of Peace Treaties with Bulgaria, Hungary, and Romania*, (First Phase) (1950) I.C.J. Rep. 65 at 221; *Advisory Opinion on Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, (1951) I.C.J. Rep. 15.

<sup>11</sup> Pub. P.C.I.J. (1923), Series B, No. 5 (hereinafter cited as *Status of Eastern Carelia*).

<sup>12</sup> *Advisory Opinion* at 23.

<sup>13</sup> *Ibid.*

<sup>14</sup> Pub. P.C.I.J. (1923), Series B, No. 5.

<sup>15</sup> *Advisory Opinion* at 24.

<sup>16</sup> (First Phase) (1950) I.C.J. Rep. 65.

<sup>17</sup> *Id.* at 71.

(Even where the Request for an Opinion relates to a legal question actually pending between States \*\*\* no State \*\*\* can prevent the giving of an Advisory Opinion \*\*\* The Court's Opinion is given not to the States, but to the organ which is entitled to request it; the reply of the Court, itself an 'organ of the United Nations', represents its participation in the activities of the Organization, and \*\*\* should not be refused."

<sup>18</sup> *Advisory Opinion* at 25.

<sup>19</sup> The Court based this determination on two communications to the Secretary-General of the United Nations. On 10 November 1958, Spain stated:

"Spain possesses no non-self-governing territories, since the territories subject to its sovereignty in Africa are, in accordance with the legislation now in force, considered to be and classified as provinces of Spain."

This elicited the "most explicit reservations" from Morocco who on 20 November 1958, stated that she "claim(ed) certain African territories at present under Spanish control as an integral part of Moroccan national territory." *Id.*, at 25-26. The whole area though, had been a basis of contention for several years. On 7 April 1956, Spain abandoned a northern zone to Morocco. The Spanish Sahara continued to be subjected to incursions and in February 1958 an invasion by Moroccan nationalists. Although the invasion was repelled, it led to Spain ceding the northern part of the Sahara to Morocco on 10 April 1958. That area became the province of Tarfaya, Hassan II, *Le defi*, 71 (Albin Michel, Paris, 1976); La Documentation Française, *Maghreb Machrek*, 30 (Paris, No. 71, 1976).

time of colonization and not currently;<sup>20</sup> (3) Mauritania's claim differentiated this case from that which Morocco sought to adjudicate;<sup>21</sup> and (4) the opinion was non-binding and for the General Assembly.<sup>22</sup> Thus, Spain has no standing to challenge the jurisdiction.<sup>23</sup>

This determination by the Court, while dispensing with the jurisdictional challenge, creates serious problems. Morocco's claim is based on historic ties between the two areas. Any determination of Morocco's claim affects the territory's current status.<sup>24</sup> The current status is what Spain refused to adjudicate.<sup>25</sup> If the opinion does not affect the current status of the area, then as several states argued,<sup>26</sup> the opinion is irrelevant with regard to decolonization. Furthermore, stressing historical ties is dangerous for the sanctity of boundaries in the extreme, there is no indigenous population.<sup>27</sup>

Spain further argued that in advisory proceedings no parties are obliged to furnish evidence. Consequently, the Court might not be in possession of all the pertinent information that should be available in adversary proceedings.<sup>28</sup> While the Court noted that this was a valid consideration in the Court deciding not to exercise its advisory jurisdiction in the *Status of Eastern Carelia*,<sup>29</sup> in the present case Spain, Morocco, Mauritania, and others, had furnished extensive evidence sufficient to render an opinion.<sup>30</sup> This analysis is superficial, Spain as the administering Power, was under a duty imposed by the General Assembly to supply information as were Morocco and Mauritania.<sup>31</sup> Further, Morocco and Mauritania

<sup>20</sup> The Court reached this conclusion because the rights of Spain as the administering Power would not be affected by a reply. Thus, the Court cited the *Advisory Opinion on the Interpretation of Peace Treaties with Bulgaria, Hungary, and Romania*, (First Phase) (1950) I.C.J. Rep. 65 at 72, and stated that the legal position of Spain, which has refused its consent, is not "in any way compromised by the answers that the Court may give to the questions put to it," *Advisory Opinion* at 27.

<sup>21</sup> To the Court, the interaction between the conflicting and overlapping claims of Morocco and Mauritania introduces a substantial difference from the terms of the Moroccan Note of 23 September 1974. The questions posed, "are located in a broader frame of reference than the settlement of a particular dispute and embrace other elements," *Id.* at 26-27.

<sup>22</sup> The Court cited the *Advisory Opinion on Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, (1951) I.C.J. Rep. 15 at 19, which stated: "The object of this request for an Opinion is to guide the United Nations in respect of its own action." Consequently, the General Assembly's request "cannot be affected or prejudiced by the fact that Morocco made a proposal, not accepted by Spain, to submit for adjudication \*\*\* a dispute raising issues related to those contained in the request," *Advisory Opinion* at 27.

<sup>23</sup> Between August and September 1970, twelve nations requested that the General Assembly include on its agenda an item entitled: "Review of the Role of the International Court of Justice." According to the accompanying explanatory memorandum: "A review of the role of the International Court of Justice, the principle judicial organ of the United Nations, is urgently needed. The lack of business currently before the Court is evidence of this fact," 25 U.N. GAOR, Annexes, Agenda Item No. 93, at 1, U.N. Doc. A/8042/Add. 1/Add. 2 (1970). "A number of delegations considered that the lack of political will on the part of States to have recourse to the Court derived from the disappointment caused by some of the Court's decisions. According to those delegations, some of its judgments and advisory opinions—in the South West Africa case, for example—had shown it to be unequal to its task and had discredited it in the eyes of world public opinion," *Id.* at 6. For the next several years this Review was the basis of extensive debate, 27 U.N. GAOR, Annexes, Agenda Item No. 90, U.N. Doc. A/8967; U.N. Doc. A/8747 (1972). Finally, on 8 November 1974, the Report of the Sixth Committee acknowledged that the International Court of Justice amended the Rules of Court, with a view to facilitating recourse to it, 29 U.N. GAOR, Annexes, Agenda Item No. 93, U.N. Doc. A/9946 (1974). The next month the General Assembly requested the advisory opinion on Western Sahara. Perhaps the Review and the fact that this was the only case pending in 1975 ((1975-1976) I.C.J. Y.B. 112) were factors in the rejection of Spain's jurisdictional challenge.

<sup>24</sup> As the Court noted, the request embraces elements which "are not confined to the past, but are also directed to the present and future." However, the rights of Spain as administering power are "not in any way compromised by the answers the Court may give to the questions put to it," *Ibid.* Technically, Spain's status as administering power will not be affected; however, a determination that Spain never acquired title would restrict her legal rights over the area. Conversely, dismissal of the Moroccan and Mauritanian claims would free the territory from competing claims of title.

<sup>25</sup> *Supra* note 9.

<sup>26</sup> *Supra* note 6.

<sup>27</sup> Currently, there are there claims of historic title before the United Nations buttressed by the assertion that the territorial resident populations, in each case for over a century, are "imported populations" not native to the area and not entitled to the right of self-determination. Mr. Maldonado Aguirre stated Guatemala's claim to the General Assembly, U.N. Doc. A/PV. 2431, at 37, 38-40 (Dec. 8, 1975): Spain claims self-determination is only for "those who had their roots" in a territory and not "settlers," 23 GAOR, Fourth Comm., 1799th meeting, at 14 (1968); Argentina's argument is similar for Falkland Islanders. Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 19 GAOR, Annexes, Annex No. 8 (Part I), at 436-37, U.N. Doc. A/5800/Rev. 1 (1964): Argentina further stated that the displacement of the original population and its replacement with an alien one to the region, is a wrong which nations may wish to redress, 28 GAOR Fourth Comm., 2074th meeting, at 302 (1973); For discussion of the threat these claims pose, see 70 Am. J. Int'l L. 721 (1976).

<sup>28</sup> *Advisory Opinion*, at 28.

<sup>29</sup> Pub. P.C.I.J. (1923), Series B, No. 5.

<sup>30</sup> *Advisory Opinion*, at 28-29.

<sup>31</sup> The request for the Opinion "call(ed) upon Spain, in its capacity as administering Power in particular, as well as Morocco and Mauritania, in their capacity as interested parties, to submit to the International Court of Justice all such information and documents as may be needed to clarify those questions," *Supra* note 3.



each claimed the territory. These were the reasons that the Court found no shortage of evidence. However, Spain's objection was to the credibility as well as the sufficiency of the evidence. Spain contended that the type and quality of evidence in adversary proceedings differs from that offered for a non-binding opinion.<sup>32</sup>

After dispensing with the jurisdictional challenge, the Court proceeded to examine the request for the Opinion and noted the interrelatedness and dependency of the second question on the reply given to the first.<sup>33</sup> Prior to finding whether the territory was *terra nullius*, the Court had to first ascertain the time of colonization. Based on agreements between Spain and local chiefs, the Court held the time of colonization to be 1884.<sup>34</sup> Only if the territory belonged to no one (*terra nullius*) at that time, could it be open to acquisition through the legal occupation. It was this cardinal condition of a valid occupation, discussed at great length in the *Legal Status of Eastern Greenland*,<sup>35</sup> upon which the Court relied.

Taking into account the unique character of the nomadic tribes that had inhabited the area,<sup>36</sup> and the status Spain accorded the territory,<sup>37</sup> the Court found the area not to have been *terra nullius*.<sup>38</sup> This finding, the Court stresses, was reached independent of the territorial claims of Morocco and Mauritania.<sup>39</sup>

The effects of such a finding are twofold. Legally, regardless of the effectiveness of the occupation, Spain did not acquire title to the area.<sup>40</sup> Consequently, Spain cannot cede or transfer any rights over the area, nor would abandonment by her transfer title to a subsequent occupier.<sup>41</sup> Analytically, unless viewed as an attempt to ensure the inhabitants' right of self-determination, the finding is nonsensical. While discounting all claimants, the Court unanimously determined that the land was not *terra nullius*. Each of the tribes, although a social and political unit, lacked essential elements of sovereignty.<sup>42</sup> Thus, the territory could not belong to the tribes collectively or singly. The claims of Morocco and Mauritania played no part in the finding. This finding was based on Spain's perception of the tribes.

In response to the argument of how important are historic ties in the final act of decolonization,<sup>43</sup> the Court expanded and reframed the second question, and found self-determination for non-self-governing territories to be a *jus cogens*.<sup>44</sup> The

<sup>32</sup> Although the Court is competent to evaluate the evidence, the evidence has not surmounted the rigors that would be present in a contentious case where each party has the burden of proof. *Advisory Opinion*, at 28.

<sup>33</sup> For questions, see p. 3.

<sup>34</sup> *Advisory Opinion* at 38.

<sup>35</sup> A valid occupation consists of the establishment of sovereignty over territory free from any other State's authority. In the *Legal Status of Eastern Greenland*, Pub. P.I.C.J. (1933), Series A/B, No. 53, the Permanent Court of International Justice held that for an occupation to be effective, the appropriating State must meet two tests: (1) an intention or will to act as sovereign; and (2) the adequate exercise or display of sovereignty.

<sup>36</sup> *Advisory Opinion* at 39.

<sup>37</sup> In its Royal Order of 26 December 1884, Spain proclaimed that the King was taking the Río de Oro under his protection on the basis of agreements with the chiefs of the local tribes. *Id.* at 40.

<sup>38</sup> While the Court noted that "differing views were expressed concerning the nature and legal value of agreements between a State and local chiefs," it stated that it was "not asked by Question I to pronounce upon the legal character or the legality of the titles." *Ibid.* Consequently, these agreements, even if a nullity, are proof for the Court that the area was not *terra nullius*.

<sup>39</sup> *Ibid.*

<sup>40</sup> The territory had to have been *terra nullius* for a valid occupation, *Legal Status of Eastern Greenland*, Pub. P.I.C.J. (1933), Series A/B, No. 53, pp. 44 f. and 63 f.; *Advisory Opinion*, at 39.

<sup>41</sup> Only if the abandoning State had title could title then be acquired through a subsequent valid occupation.

<sup>42</sup> The essential characteristics of a State are well settled. Article 1 of the Montevideo Convention of 1933 on the Rights and Duties of States is illustrative:

"The State as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) a Government; and (d) a capacity to enter into relations with other States."

See also, Section 4 of the Restatement of the Foreign Relations Law of the United States (1965), which defines a State as "an entity that has a defined territory and population under the control of a government and that engages in foreign relations."

<sup>43</sup> *Supra* note 6.

<sup>44</sup> A peremptory norm from which no derogation is permitted and which may invalidate a treaty or agreement between States to the extent of the inconsistency with such norm. This is analogous to the principles of public policy which at common law render an offending contract void. Article 53 of the Vienna Convention on the Law of Treaties of May 22, 1969 states:

"A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character."

Article 64 states: "If a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates."

The difficulty is acquiring consensus as to what are norms of *jus cogens*. Although the Court does not specifically use the terms, its position with regard to non-self-governing territories is unequivocal. "To develop friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples" is one of the purposes of the United Nations, U.N. CHARTER art. 1, para. 2. The Court cited this article and its further development in Articles 55 and 56. "Those provisions have direct and particular relevance for non-self-governing territories, which are dealt with in Chapter XI of the Charter." *Advisory Opinion*, at 31. The Declaration on the Granting of Independence to Colonial Countries and Peoples states:



Court stressed that all legitimate forms of decolonization<sup>46</sup> could only come about with "the freely expressed wishes of the territory's peoples \* \* \*"<sup>46</sup> The Court favorably enumerated the General Assembly's resolutions<sup>47</sup> and made clear that an opinion on historic title does not derogate from the right of a people to decide their destiny,<sup>48</sup> but is intended to aid the General Assembly in "ensuring a free and genuine expression of the will of the people."<sup>49</sup> To say the least, this was a generous reading of the request for the advisory opinion.

The results of such a reading are readily apparent. In answering objections of inappropriateness and irrelevancy,<sup>50</sup> the Court adopted Algeria's position that the opinion "cannot have any practical effect"<sup>51</sup> without dealing with the fundamental right of the people to self-determination. The Court thus ensured the paramountcy of that right. In the light of such a determination, it is difficult to see the utility of a finding on historic ties or what effect could be given to a holding that title vests in Morocco or Mauritania.

Within that framework, the Court proceeded to consider Morocco's claim. Morocco introduced evidence dating back to the Arab conquest of North Africa in the seventh century A.D.,<sup>52</sup> and invoked *inter alia*<sup>53</sup> the decision in the *Legal Status of Eastern Greenland*.<sup>54</sup> Relying on the fact that it was the only independent State in the area during a long period, the geographical contiguity of Western Sahara, and the desert character of the area,<sup>55</sup> Morocco claimed title "upon continued display of authority."<sup>56</sup>

To claim sovereignty upon a continued display of authority "two elements \* \* \* must be shown to exist: the intention and will to act as sovereign, and some actual exercise or display of such authority."<sup>57</sup> In the *Legal Status of Eastern Greenland*,<sup>58</sup>

"All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

G.A. Res. 1514, 15 U.N. GAOR Supp. 16, at 66, U.N. Doc. A/4684 (1960). This Declaration has been characterized as "a programmatic formulation based on new determinations that could no longer validly be impugned," J. Castañeda, *Legal Effects of United Nations Resolutions*, 175 (Columbia University Press, 1969). The Court cited the Declaration and its *Advisory Opinion on the Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, (1971) I.C.J. Rep. 16 at 31, which states:

"... the subsequent development of international law in regard to non-self-governing territories, as enshrined in the Charter of the United Nations, made the principle of self-determination applicable to all of them \* \* \* A further important stage in this development was the Declaration on the Granting of Independence to Colonial Countries and Peoples \* \* \* which embraces all peoples and territories which have not yet attained independence \* \* \* (T)he Court must take into consideration the changes which have occurred in the supervening half-century, and its interpretation cannot remain unaffected by the subsequent development of law, through the Charter of the United Nations and by way of customary law \* \* \* In the domain to which the present proceedings relate, the last fifty years, as indicated above, have brought important developments. These developments leave little doubt that the ultimate objective of the sacred trust was the self-determination and independence of the peoples concerned."

*Advisory Opinion*, at 31-32.

<sup>45</sup> The Declaration on Principles of International Law concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations, states:

"Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples \* \* \*"

"The establishment of a sovereign and independent State the, free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people."

"Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their rights to self-determination and freedom and independence."

G.A. Res. 2625, 25 U.N. GAOR Supp. 28, at 121, U.N. Doc. A/8028 (1970).

<sup>46</sup> G.A. Res. 1541, 15 U.N. GAOR Supp. 16, at 29-30, U.N. Doc. A/4684 (1960); *Advisory Opinion*, at 32-33.

<sup>47</sup> Those previously mentioned, and in particular, those on Western Sahara and "the inalienable right of the people of the Sahara to self-determination and independence." G.A. Res. 2072, 20 (1965); G.A. Res. 2229, 21 (1966); G.A. Res. 2354, 22 (1967); G.A. Res. 2428, 23 (1968); G.A. Res. 2591, 24 (1969); G.A. Res. 2711, 25 (1970); G.A. Res. 2983, 27 (1972); G.A. Res. 3162, 28 (1973); and G.A. Res. 3292 29 (1974); *Advisory Opinion*, at 34-36.

<sup>48</sup> *Id.* at 36-37.

<sup>49</sup> *Id.* at 37.

<sup>50</sup> *Supra* note 6.

<sup>51</sup> *Advisory Opinion*, at 29-30.

<sup>52</sup> *Id.* at 42.

<sup>53</sup> Morocco also sought to establish possession on the basis of Islamic unity, treaty demarcations, and historical references.

<sup>54</sup> Pub. P.I.C.J. (1933), Series A/B, No. 53.

<sup>55</sup> Two theories determine the extent of territory embraced by an act of occupation: 1) *continuity*, this extends the sovereignty of the occupying State as far as necessary for the security or natural development of the occupied area; and 2) *contiguity*, which extends the sovereignty of the occupying State to the neighboring geographically proximate areas. Morocco had to base her claim on contiguity since she had never actually occupied Spanish Sahara. The problem with contiguity is that in the *Island of Palmas Arbitration*, 22 Am. J. Int'l. L. 875-76 (1928), Arbitrator Huber rejected the theory stating it was "wholly lacking in precision." In the *North Sea Continental Shelf Cases*, (1969) I.C.J. Rep. 3 at 30-31, the International Court of Justice preferred continuity to adjacency or proximity (contiguity) as an explanation of the coastal State's rights in regard to the continental shelf.

<sup>56</sup> *Advisory Opinion*, at 42.

<sup>57</sup> *Supra* note 35.

<sup>58</sup> Pub. P.I.C.J. (1933), Series A/B, No. 53, pp. 45 f.

the Court recognized that "very little in the way of actual exercise of sovereign rights"<sup>59</sup> might be sufficient to establish sovereignty, absent a competing claim, in thinly populated or unsettled areas. While acknowledging that the Western Sahara was "sparsely populated,"<sup>60</sup> the Court felt that the presence of nomadic tribes was a sufficient distinguishing factor to deny the cases were identical.<sup>61</sup> Although such a distinction ensures protection of the inhabitants' rights, it is of dubious worth. The tribes lacked sovereignty.<sup>62</sup> By analogy to common law, the tribes at most acquired easements and profits. However, burdened land does not impair the acquisition of title.<sup>63</sup> Where then, is the distinction between unsettled, thinly populated areas with Eskimos, and sparsely populated desert with nomadic tribes?

With regard to Morocco's contiguity argument, the Court held relevant only "evidence directly relating to effective display of authority in Western Sahara at the time of colonization."<sup>64</sup> While sovereignty can be displayed by overt or symbolic acts,<sup>65</sup> an actual manifestation of sovereignty on the *locus* of the territory creates a stronger title than an historic claim of right unsupported by such a concrete act.<sup>66</sup> The paucity of evidence of an actual display of authority unambiguously relating to Western Sahara by Morocco was conclusive.<sup>67</sup> By a vote of 14 to 2,<sup>68</sup> the Court found that while Morocco displayed some authority over some of the tribes, the evidence "does not establish any tie of territorial sovereignty between Western Sahara and that State. It does not show that Morocco displayed effective and exclusive State activity in the Western Sahara."<sup>69</sup>

The Court then examined the legal ties between Western Sahara and the Mauritanian entity. Use of the term "Mauritanian entity", recognizes that at the time of colonization there was no Mauritanian State in existence. Consequently, the Court's inquiry was concerned with ties other than those of State sovereignty.<sup>70</sup> Since only States can exercise sovereignty, the final outcome was tantamount to a foregone conclusion. By a vote of 15 to 1,<sup>71</sup> the Court found "the existence of rights, including some rights relating to the land, which constituted legal ties" but "do not establish any tie of territorial sovereignty."<sup>72</sup>

Mr. Alphonse Boni, President of the Supreme Court of the Ivory Coast and *ad hoc* judge appointed by Morocco, cast dissenting votes in both the Moroccan and Mauritanian determinations. Judge Ruda cast the other dissent in the Moroccan determination on the belief that the Court's decision was insufficiently assertive. "Sporadic manifestations of allegiance and authority," he stated, "even if established, are not sufficient to declare the existence of legal ties, whether of a territorial or personal character."<sup>73</sup>

<sup>59</sup> *Id.* at 46.

<sup>60</sup> *Advisory Opinion*, at 43.

<sup>61</sup> *Id.* at 41-43.

<sup>62</sup> *Supra* note 42.

<sup>63</sup> There are servitudes in international law whereby territory is burdened by conditions or restrictions serving the interests of another State or non-State entity. An example is the frontier town of Huningen in Alsace, which in the interests of the Swiss Canton of Basle, is burdened by the condition that it never be fortified. These servitudes are rights *in rem*, and remain in force regardless of what happens to the burdened territory; i.e., annexation or merger with another State. Servitudes are either positive or negative, requiring the Government controlling the territory to either act or refrain from acting on the territory. Illustrative is Article 7 of the Lateran Treaty of 1929, which restricts construction in Italian territory of new buildings that would overlook adjacent Vatican City. Although not strictly a servitude, in the *Right of Passage over Indian Territory Case*, (1960) I.C.J. Rep. 6, the International Court of Justice recognized a customary right of passage for Portuguese citizens and goods over Indian territory between Daman and certain Portuguese enclaves. This right was inapplicable to arms or armed forces and subject to control and regulation by India.

<sup>64</sup> *Advisory Opinion*, at 43.

<sup>65</sup> The intention to act as sovereign can be inferred from the actual display of authority; however, it must be a permanent intention to assume control. Mere transient passage by the alleged occupying Power is insufficient to establish such intention, as is independent, unauthorized activities of private individuals, unless, subsequently ratified, *Fisheries Case* (1951) I.C.J. Rep. 116, at 184. Consequently, the mere passage of tribes between the territories will not establish this intent, and must be bolstered with an actual display of authority.

<sup>66</sup> The *Chipperton Island Arbitration* (1931), 26 Am. J. Int'l L. 390 (1932), illustrates this point. In the *Minquiers and Ecrehos Case*, (1953), I.C.J. Rep. 47, at 68-70, Great Britain and France both claimed certain Channel islets. The International Court of Justice stressed the importance of actual exercise of "State functions", i.e., local administration, local jurisdiction, and acts of legislative authority, for proving the continuous display of sovereignty necessary to confirm title. Upon evidence of a long continued exercise of State functions by British authorities, the Court preferred Great Britain's claim.

<sup>67</sup> The lack of evidence was not cured by contiguity. The geographical unity of the two areas was debatable and that militates against contiguity. Regardless, the argument only makes the paucity of evidence more difficult to reconcile with Morocco's claim of immemorial possession, *Advisory Opinion*, at 43.

<sup>68</sup> *Id.* at 69.

<sup>69</sup> *Id.* at 49.

<sup>70</sup> *Id.* at 57.

<sup>71</sup> *Id.* at 69.

<sup>72</sup> *Id.* at 68.

<sup>73</sup> *Id.* at 176 (Dissenting Opinion of Judge Ruda).



Judicially, the Court recognized and validated Moroccan and Mauritanian claims short of territorial sovereignty. Although the Court stressed the inhabitants' right to self-determination, the acquisition of territorial sovereignty through decolonization is *sui generis*. Territory is one of the components of statehood, and until the State exists, there is no entity to take title. To circumvent this difficulty and ensure the inhabitants' rights, the Court had to rely on Spain's perceptions of the tribes. The solution to this problem is to treat the people of the territory, provided they have a sufficient degree of political maturity, as having or acquiring sovereignty pending attainment of statehood.<sup>74</sup>

#### THE MADRID ACCORDS

Ignoring the holding of the *Advisory Opinion* that historical ties did not constitute sovereignty over the territory, Morocco seized upon language in the opinion which stated that Morocco had had some rights to the territory.<sup>75</sup> The day after the opinion was published, Morocco announced plans for the initiation of the "Green March."<sup>76</sup> Spain now had to decide whether to implement her statement that Spain would resist with force any incursion into Western Sahara.<sup>77</sup> Faced with internal problems upon the demise of Francisco Franco, as well as a desire to end her involvement in the territory, Spain chose to negotiate.

On November 14, 1975, Spain entered into a tripartite agreement with Morocco and Mauritania known as the Madrid Accords. The following is the only segment of the Accords to be published:

Rabat (UPI) Made public Friday, November 21 by the Moroccan Minister of Information, the official text of the accord by Morocco, Mauritania, and Spain on the subject of Western Sahara is as follows:

"Meeting in Madrid on November 14, 1975, the delegations representing the governments of Spain, Morocco and Mauritania agreed on the following principles:

"(1) Spain reaffirms its decision, several times repeated before the U.N., to decolonize the territory of the Western Sahara by putting an end to the responsibilities and powers that she holds over this territory as administering power.

"(2) Bearing this in mind and in conformity with negotiations recommended by the U.N. among the parties concerned, Spain will proceed immediately to the establishment of an intermediate administration in the territory with the participation of Morocco and Mauritania and the collaboration of the Djema (local assembly), an administration to which the responsibilities and powers referred to in the preceding paragraph will be transferred.

"For that purpose it has been agreed upon to name two adjunct governors, one to be proposed by Morocco, the other by Mauritania, to assist the governor general of the territory in his duties.

<sup>74</sup> In its *Advisory Opinion on the Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, (1971) I.C.J. Rep. 16 at 56, the International Court of Justice treated the people of the Mandated Territory of South West Africa as having a right of progress toward independence, which has been violated by South Africa's failure as Mandatory Power to comply with its obligation to submit to the supervision of United Nations organs. The Court referred to the people as a "jural entity". The Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations, states that the territory of a colony or non-self-governing territory has "a status separate and distinct from the territory of the State administering it," which continues until the people concerned have exercised their right of self-determination, G.A. Res. 2625, 25 U.N. GAOR Supp. 28, at 121, U.N. Doc. A/8028 (1970). Equally consistent is the paramountcy of self-determination stressed in the present *Advisory Opinion on Western Sahara*, (1975) I.C.J. Rep. 12. The requirement of a sufficient degree of political maturity does not require a fully operational and stable Government, as was illustrated by the admission of Ruanda and Burundi to United Nations membership, but serves as a basis for meeting the other criteria for sovereignty.

<sup>75</sup> Morocco stated, "The opinion of the Court can only mean one thing: The state called Western Sahara was part of the Moroccan territory over which the sovereignty was exercised by the kings of Morocco and that the population of this territory considered themselves and were considered to be Moroccans. \* \* \* Today Moroccan demands have been recognized by the legal advisory organ of the United Nations." Press release of the Permanent Mission of Morocco to the United Nations on 16 October 1975, quoted in U.N. Doc. S/PV. 1849, at 11 (1975).

<sup>76</sup> As announced, this was to be a massive march of 350,000 "unarmed civilians" from Morocco into the Sahara "to gain recognition of (Morocco's) right to national unity and territorial integrity." Letter dated 18 October 1975 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council, U.N. Doc. S/1852 (1975). As the Western press covered the march of the civilians, troops of Hassan II began entering the region from the northeast. See Anne Lippert, "Emergence or Submergence of a Potential State: The Struggle in Western Sahara," *Africa Today*, Jan.-March 1977.

<sup>77</sup> U.N. Doc. S/PV. 1852, at 13-15 (1975). (Mr. Arias-Salgade, Representative of Spain, addressing the Security Council.)



"Spanish presence in the territory will end definitively before February 28, 1976;

"(3) The opinion of the Saharawi population, expressed by the Djema, will be respected;

"(4) The three countries will inform the Security General of the U.N. of the provisions made by virtue of the present document as a result of the negotiations held in conformity with article 33 of the Charter of the United Nations;

"(5) The three contracting parties declare that they have arrived at the preceding conclusions in the best spirit of understanding, fraternity, and respect for the principles of the Charter of the United Nations and as a contribution on their part to the maintenance of international peace and security;

"(6) This document will go into effect the day of the publication in the official Bulletin of the State, the "Law on Decolonization in the Sahara," authorizing the Spanish Government to put into effect the obligations contained in the present document."<sup>78</sup>

The reference within the text to article 33 of the United Nations Charter refers to the article that encourages negotiation as a means for the pacific settlement of disputes that endanger international peace and security. When hostilities appeared imminent between Morocco and Spain, the U.N. recommended negotiations between all concerned parties. Although item number two within the text states that the Accords are in conformity with recommendations by the U.N., this is not entirely correct. Algeria, who was a concerned party, was not included in the negotiations, nor were the inhabitants of the territory even notified that there were negotiations.<sup>79</sup> These objections though, are dwarfed in comparison to other problems the Accords present.

As an international agreement concluded between States in written form and governed by international law, the Madrid Accords constitute a treaty.<sup>80</sup> It is binding upon the contracting parties and must be performed by them in good faith (*pacta sunt servanda*).<sup>81</sup> Treaties should be interpreted according to the ordinary meaning of their terms.<sup>82</sup> It is to the intention of the parties at the time the instrument was concluded, and in particular the meaning attached by them to the terms, that primary regard must be paid. Hence, it is legitimate to consider what was the "purpose" of the parties in negotiating the Accords.<sup>83</sup>

In conformity with the *Advisory Opinion*, wherein Spain never acquired title to the territory and thus could neither transfer title nor rights to the same, the Accords, by its own terms, merely purports to transfer the responsibilities and powers of administering the territory to Morocco and Mauritania. Thus, upon the departure of the Spanish, there was to be a joint administration between Morocco and Mauritania over the territory.<sup>84</sup> However, a treaty should not be interpreted so as to restrict unduly the rights intended to be protected by it,<sup>85</sup> or reach a result contrary to the letter and spirit of the treaty.<sup>86</sup> Such would be the case of the Accords is viewed solely as an instrument transferring the administration of the territory.

By the Accords own terms, the Djema<sup>87</sup> was to be an equal party with Morocco and Mauritania in the administration of the territory. This is evidenced by the

<sup>78</sup> See Elsa Assidon, *Sahara Occidental un enjeu pour le nordouest africain*, 154 (cahiers libres 350, Francois Maspero, Paris 1978), translation A. Lippert, Foreign Language Department, Ohio Northern University.

<sup>79</sup> See Thomas M. Franck, *The Stealing of the Sahara*, 70 Am. J. Int'l L. 694 (1976).

<sup>80</sup> Vienna Convention on the Law of Treaties, opened for signature, May 23, 1969, art. 2, para. 1(a), U.N. Doc. A/Conf. 39/27 at 289 (1969) (hereinafter cited as Vienna Convention). As of June 30, 1977, 28 States had deposited instruments of ratification, U.N. Chronicle (July 1977).

<sup>81</sup> Vienna Convention, 3rd recital of preamble (affirming that the principles of free consent, good faith, and *pacta sunt servanda* are "universally recognized"), and art. 26 (all treaties are binding on the parties thereto, and must be performed in good faith). See Kearney & Dalton, *The Treaty on Treaties*, 64 Am. J. Int'l L. 561 (1970).

<sup>82</sup> This principle was reaffirmed by the International Court of Justice in the *Advisory Opinion on the Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization*, (1960), I.C.J. 150; Vienna Convention, art. 31, para. 1; 4 Int'l L. Comm'n, Report, 19 U.N. GAOR, Supp. (No. 9), U.N. Doc. A/5809 (1964).

<sup>83</sup> The International Court of Justice had recourse to the "purpose" of the treaty in the *Case Concerning the Application of the Convention of 1902 Governing the Guardianship of Infants* (Netherlands-Sweden), (1958) I.C.J. 55.

<sup>84</sup> This is analogous to the New Hebrides, where some functions of authority are assigned to the joint administration of the United Kingdom and France while others reside in each of the national authorities, such as each State having separate jurisdiction over its own respective subjects.

<sup>85</sup> See *Kolovrat v. Oregon*, 366 U.S. 187 (1961).

<sup>86</sup> See *South West Africa Cases*, (Second Phase), (1966) I.C.J. 6, 48.

<sup>87</sup> The Djema (a General Assembly of Saharan representatives) was created by the Spanish to aid in administration of the territory. For details on the makeup and function, see Report of the United Nations Visiting Mission to Spanish Sahara, 1975, in The Report of the Special Committee on the Situation With Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, U.N. Doc. A/10023/Add. 5, Annex (1975).

use of the conjunctive in the text in enumerating the participants of the administration. Item two states that Spain would establish an administration "with the participation of Morocco and Mauritania and the collaboration of the Djema (local assembly), an administration to which the responsibilities and powers \* \* \* will be transferred," (emphasis added). The Accords confer rights on the Djema which must be recognized and given effect.<sup>88</sup> Moreover, item three of the Accords specifically states that "(t)he opinion of the Saharawi population, expressed by the Djema, will be respected." By inclusion of the Djema in the administration, the statement that its opinion will be respected, and Spain's statements in items one and six that it is transferring its responsibilities as administering power to decolonize the territory, it is evident that the "purpose" of the Accords is not the mere transference of administration over the territory, but an attempted delegation of the duty of insuring the inhabitant's inalienable right to self-determination.

The interests of the inhabitants of a non-self-governing territory are paramount, and the administering Power has accepted as a sacred trust the duty to promote the inhabitants well-being to the utmost, develop self-government, and assist in the evolution of free political institutions.<sup>89</sup> In the present instance, Spain's duty to insure the Saharawi's inalienable right to self-determination was a non-delegable duty. By analogy to the common law, a party to a contract cannot delegate his duties under the contract if the non-assigning party will not receive comparable performance from the assignee. As Ambassador Salim Ahmed Salim, Chairman of the United Nations Committee of 24 on Decolonization and Permanent Representative of the United Republic of Tanzania to the United Nations, stated before the General Assembly's Fourth Committee on 24 November 1975:

"It is self-evident that this agreement does not conform with United Nations decisions and resolutions on the question. The rights of the peoples of Spanish Sahara are clearly subordinated to the territorial claims of some of its neighbors. Taking into account the stated position of Morocco and Mauritania, it is ludicrous to expect that a genuine exercise of self-determination can be realized. \* \* \* And quite clearly, this agreement runs counter to the responsibilities of the administering Power assumed under the Charter and the Declaration on decolonization. If this agreement is implemented, Spain would have clearly betrayed her sacred trust to the people of the territory."<sup>90</sup>

The United Nations General Assembly passed two resolutions in an attempt to insure that the inhabitants' inalienable right to self-determination would not be abrogated by the Accords. In the first resolution, Spain was again called upon to arrange a genuine and free exercise of self-determination by the inhabitants under U.N. supervision.<sup>91</sup> The second resolution acknowledged the interim three-power administration and called on the Secretary General to "assist" the interim administration in holding a "free consultation" with the "Saharan populations."<sup>92</sup> This position of the General Assembly is analogous to the common law whereby performance under an assigned contract is sought from the assignee while the assignor remains liable for the assignee's failure to perform. These resolutions attempted to insure that the opinion of the Saharan population would be respected, which is what the Accords purports to do, and neither legitimized nor passed on the legality of the Accords. In fact, in light of subsequent revelations on the secret agreements between Morocco, Mauritania, and Spain, it is evident that the Accords were *void ab initio*.

First Minister of Morocco, M. Ahmed Osman, in the 8 January 1976 *Le Monde*, stated that by the agreement Spain would leave the Sahara but would retain a 35 percent interest in Fosbucraa, the 700 million dollar Saharan phosphate industry.<sup>93</sup> This statement begs the question of how could Morocco guaranty Spain an interest in future phosphate production should the inhabitants of the territory choose to become a sovereign independent state. The Accords state that the opinion of the Saharan population will be expressed through the Djema. Prior to entering into negotiations with Spain, the President of the Djema had defected to Morocco,<sup>94</sup> and Morocco and Mauritania had already agreed to partition the ter-

<sup>88</sup> It was authoritatively decided by the Permanent Court of International Justice in the *Advisory Opinion on the Jurisdiction of the Courts of Danzig*, (1928) P.C.I.J. Ser. B, No. 15, that if by a particular treaty the parties intended to confer rights on individuals, then these rights should receive recognition and effect at international law.

<sup>89</sup> U.N. Charter Chapter XI.

<sup>90</sup> U.N.Q. Against Apartheid, Racial Discrimination and Colonialism, *Objective: Justice*, 6 (No. 4, 1975).

<sup>91</sup> G.A. Res. 3458 (A), U.N. Doc. GA/5438, at 254-55 (1975).

<sup>92</sup> G.A. Res. 3458 (B), U.N. Doc. GA/5438, at 256 (1975).

<sup>93</sup> La Documentation Française, Maghreb Machrek, 45 (Paris, No. 71, 1976).

<sup>94</sup> Prior to the commencement of the Green March, Mr. Kharti Ould Joumaini, the elected President of the Djema, fled to Agadir and paid ritual homage to Morocco's King Hassan, U.N. Doc. S/PV. 1854, at 26-27 (1975).



ritory.<sup>95</sup> The conclusion is inescapable. The inhabitants were never meant to freely exercise their right to self-determination. Thus, the Accords violate two *jus cogens*: (1) the inalienable right of self-determination for non-self-governing territories, and, (2) the principle that treaties must be performed in good faith *pacta sunt servanda*. Moreover, in this context, Spain's duty to insure the inhabitants' right of self-determination was nondelegable. It is for these reasons that the Accords were clearly illegal.<sup>96</sup> In short, the Accords were a facade through which Morocco and Mauritania hoped to subjugate the territory.<sup>97</sup>

#### THE SAHARAN ARAB DEMOCRATIC REPUBLIC

To avoid being used to legitimize the actions of Morocco and Mauritania, on November 28, 1975, the Djema, by unanimous vote of its members present, decided on dissolution. Moreover, the 67 members of the Djema, the 3 Saharan members of the Cortes, the representatives of other members of the Djema, and the more than 60 sheiks and notables of Saharan tribes present, signed a document which stated that the only way of consulting the Saharan people was by allowing them to decide their own future and to obtain their independence free of any outside interference. The document further declared the Frente Polisario<sup>98</sup> as the sole and legitimate authority of the Saharan people.<sup>99</sup>

With the departure of the Spanish from the territory in February 1976, Morocco, in accord with her prior agreement with Mauritania, announced the partition of the territory, with the northern sector, in which the phosphates are located, to be solely under Moroccan authority. Morocco annexed the northern sector claiming support by the Djema and the inhabitants who considered themselves Moroccans.<sup>100</sup> At the same time, on February 27, 1976, the Frente Polisario declared the creation of the "Saharan Arab Democratic Republic." The Saharan National Provisional Council was to be the legislative assembly.<sup>1</sup> This declaration by the Polisario was overshadowed by the Moroccan announcement which appeared supported by the Accords, the Djema and the inhabitants, and the fact that Morocco and Mauritania actually occupied part of the territory. In reality, the Moroccan announcement was devoid of legality.

Although States can partition a territory, there must be some legal basis for their actions.<sup>2</sup> Under the *Advisory Opinion* and the Accords, Morocco and Mauritania never acquired sovereignty over the territory. Ignoring the question of any prior agreement between Morocco and Mauritania, Morocco stated that the partition and annexation were the will of the inhabitants and the Djema. In reality, the partition was based on Moroccan territorial aspirations. The Djema had ceased to exist three months prior to Morocco's announcement. Moreover, from the Djema's dissolution declaration and the report of the U.N. Visiting Mission to the territory in 1975,<sup>3</sup> it is evident that the inhabitants overwhelmingly favored the creation of a sovereign independent State. Even the United Nations recognizes that the inhabitants did not freely exercise the right to self-determination under Moroccan authority.<sup>4</sup> Thus, while Morocco and Mauritania effectuated an occupation, partition, and annexation, sovereignty was not acquired by the victorious States.<sup>5</sup> The annexation had been achieved through gross aggression without

<sup>95</sup> In April 1976, Morocco published an agreement whereby Morocco had agreed to supply phosphate proceeds with Mauritania. Further evidence that there had been an agreement is included in the oral pleadings before the International Court of Justice for the *Advisory Opinion* in 1975. See Thomas M. Franck, *supra* note 79.

<sup>96</sup> Leading publicists and organizations share the view that the accords were illegal. See *Western Sahara and the Struggle of the Saharawi People for Self-Determination*, Dossier by the International League for the Rights and Liberation of Peoples, (Rome, 1978) (hereinafter cited as *Western Sahara Dossier*).

<sup>97</sup> After the Accords were signed, Moroccan and Mauritanian troops poured into the territory from the north and south respectively, and forcibly took over the major towns and villages. Spanish officials handed over their files on all inhabitants who had favored independence. Amidst innumerable atrocities, tens of thousands of the inhabitants fled into the interior. See Anne Lippert, *supra* note 76.

<sup>98</sup> The Polisario was a political faction within the territory that had been attempting to achieve independence for the territory from Spain and was now forcibly resisting the Moroccan and Mauritanian advance into the territory. African Research Bull., Nov. 1975.

<sup>99</sup> U.N. Doc. A/10481-S/11902, Annex (1975).

<sup>100</sup> See Le Monde, Feb. 27, 1976, at 4, cols. 1-3; *Id.* Feb. 28, 1976, at 2, cols. 2-4; *Id.* Feb. 29, 1976, at 1, col. 1.

<sup>1</sup> U.N. Doc. A/31/23/Add. 5, at 17-18 (25 October 1976).

<sup>2</sup> An example is the Memorandum of Understanding of October 5, 1954, signed in London by Great Britain, the United States, Italy, and Yugoslavia, whereby the Free Territory of Trieste was divided into a Western and an Eastern Zone under the interim administration of Italy and Yugoslavia respectively.

<sup>3</sup> See The Report of the Special Committee on the Situation With Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, U.N. Doc. A/10023/Add. 5, Annex (1975).

<sup>4</sup> The General Assembly of the United Nations has continued to pass resolutions calling for the self-determination of the inhabitants. See U.N. Doc. A/C.4/33/L. 7/Rev. 1 (24 Nov. 1978).

<sup>5</sup> According to Judge Jessup in *The South West Africa Cases*, (Second Phase) (1966) I.C.J. Rep. 6 at 418-19: "It is commonplace that international law does not recognize military conquest as a source of title."



regard for the inhabitants' rights.<sup>6</sup> Such an annexation having been effectuated by force, contrary to the United Nations Charter, General Assembly resolutions, and the opinion of the International Court of Justice, should not be recognized by other States.<sup>7</sup>

States generally withhold recognition in accordance with legal principles and precedents.<sup>8</sup> To date, out of 151 members of the United Nations, only one State, the Ivory Coast, has recognized Moroccan and Mauritanian claims of sovereignty over the Western Sahara.<sup>9</sup> This situation is analogous to the universal condemnation of South Africa's creation of Transkei and Bophutatswana.<sup>10</sup> South Africa is the only nation which extended recognition while the whole international community withheld recognition and denied that they are States.<sup>11</sup> Like Transkei, the Western Sahara situation has existed for over three years and the international community as a whole has withheld recognition of Moroccan and Mauritanian claims of sovereignty. Moreover, the Ivory Coast's interpretation of the legality of Moroccan and Mauritanian claims was completely refuted by the International Court of Justice.<sup>12</sup> In short, Moroccan and Mauritanian claims of sovereignty are devoid of legality.

Conversely, with regard to the declaration of a Saharan Arab Democratic Republic, there is a valid legal foundation. The *Advisory Opinion* and the General Assembly clearly give paramountcy to the inhabitants' right to self-determination. Even the Accords, through which Morocco and Mauritania claim authority over the territory, states that the opinion of the inhabitants as expressed by the Djema will be respected. The declaration of a Saharan State by the Polisario was based on the delegation of authority in the Djema's dissolution declaration. Therefore, Morocco and Mauritania cannot object to the declaration.<sup>13</sup> If the Accords were a valid treaty as Morocco and Mauritania claim, then they must perform them in good faith (*pacta sunt servanda*),<sup>14</sup> and the decision of the Djema to delegate its authority must be respected. Secondly, Morocco and Mauritania cannot in good conscience object to the Djema declaring the Polisario as the sole and legitimate authority of the Saharan people, since it was through Spain delegating her duties that Morocco and Mauritania claimed the right to administer the territory. By analogy to the common law, should an assignee to a contract object to the non-assigning party assigning his half of the contract, the assignee would be put in the awkward position of arguing that the contract was nonassignable. Thus, as the legitimate authority for the Saharan population, the Polisario had the authority to declare the creation of a Saharan Arab Democratic Republic. Although the Polisario sought to exercise the inhabitants' inalienable right to self-determination by the announcement of this republic, in the light of the occupation, partition, and annexation, the question arises as to what is the legal effect of this proclamation: Is the Saharan Arab Democratic Republic a State?

The essential elements of a State are well settled.<sup>15</sup> Of the four requirements, definiteness of territory is not generally insisted upon.<sup>16</sup> Neither does the requirement of a government mean one capable of effective domestic control.<sup>17</sup> As a Spanish protectorate, the Western Sahara had defined boundaries, a permanent population, and local governmental structures in preparation for decolonization.<sup>18</sup> What obfuscated the issue was the occupation by Morocco and Mauritania. However, since November 1975, the Polisario had forcibly resisted the

<sup>6</sup> *Supra* note 97.

<sup>7</sup> View of Judge Jessup in *The South West Africa Cases*, (Second Phase) (1966) I.C.J. Rep. 6 at 168-71.

<sup>8</sup> J. Starke, *Introduction to International Law*, 144 (7th ed. 1972).

<sup>9</sup> *Supra* page 21.

<sup>10</sup> On October 26, 1976, South Africa declared the Transkei African reserve independent. The U.N. in a formal vote unanimously declared the creation a farce. The U.S. alone abstained, *Africa News*, 10 (Dec. 20, 1976).

<sup>11</sup> Under I.C.J. Stat. art. 38, para. 1(b), the general practice of States is one of the sources of international law.

<sup>12</sup> *Supra* page 21.

<sup>13</sup> Since Morocco has asserted that the Accords were a valid treaty, Morocco must respect the decision of the Djema. In the *Nuclear Tests Case (Australia v. France; New Zealand v. France)*, (1974), I.C.J. 253, statements made by the President of France were held to bind that State and France was estopped from asserting a contrary position.

<sup>14</sup> *Supra* note 81.

<sup>15</sup> See Montevideo Convention of 1933 on the Rights and Duties of States, *supra* note 42.

<sup>16</sup> An example would be the recognition of Israel in 1949, while her boundaries were still undetermined.

<sup>17</sup> Examples are the admission of Rwanda and Burundi to the United Nations. Under the *Advisory Opinion on Conditions of Membership in the United Nations*, (1948) I.C.J. 57, since statehood is a primary qualification for admission, that admission was tantamount to recognition of the Member admitted as a State.

<sup>18</sup> Western Sahara is bordered by the Atlantic Ocean, Morocco, Algeria, and Mauritania. Under Spanish rule cities and industries were established, nomads were trained and relocated in urban centers, and the Djema (a General Assembly of Saharan representatives) was created to aid in the administration of the territory. Moreover, the Polisario had a substantial following, a hierarchical structure, and was politically active. See Report of the United Nations Visiting Mission, *supra* note 103.

invasion by Morocco and Mauritania and actually controlled two thirds of the territory.<sup>19</sup> Moreover, with the departure of the Spanish in February 1976, since the Accords were void *ab initio*, the Polisario, as the legitimate representative of the Saharan population, was the sole valid legal entity within the territory. Thus, with the announcement of the creation of the Saharan Arab Democratic Republic, the only qualification necessary to establish statehood was the ability to enter into foreign relations.

The ability to enter into relations with other States was acknowledged when States extended recognition to the Saharan Arab Democratic Republic.<sup>20</sup> According to Article 1 of the Resolutions adopted at Brussels in 1936 by the Institute of International Law, recognition consists of:

"\* \* \* the free act by which one or more States acknowledge the existence on a definite territory of a human society politically organized, independent of any other existing State, and capable of observing the obligations of international law, and by which they manifest their intention to consider it a member of the international community."<sup>21</sup>

Consequently, the State, to be recognized, must possess the four characteristics mentioned in the Montevideo Convention, with particular regard to the capacity to conduct international affairs. The act of recognition was merely a formal acknowledgement of an established situation of fact.

This view is supported by the following rules:

(a) If a question arises in the Courts of a new State as to the date at which the State came into existence, it will be irrelevant to consider when other States recognized it. The only material date is when the requirements of statehood were in fact first fulfilled.<sup>22</sup>

(b) Recognition of a new State has retroactive effect, dating back to its actual inception as an independent State.<sup>23</sup>

Thus, upon issuance of the proclamation of statehood on the day after the final departure of the Spanish, the Saharan Arab Democratic Republic came into existence by meeting the requirements of statehood. The granting of recognition by twenty-two States confirmed this reality.<sup>24</sup>

Although many other States recognize the Polisario as the rightful government of the Sahara,<sup>25</sup> the failure by many States to recognize the Saharan Arab Democratic Republic is to a large degree based upon facts which obfuscated here inception. Superficially, it appears as if Spain simply ceded either the territory or the administration to Morocco and Mauritania. In reality, the Madrid Accords was a nullity. It would further appear, with the announcement of the partition and annexation, that the Polisario do not have any territory. In reality, the Polisario control over two-thirds of the territory comprising the Saharan Arab Democratic Republic, whereas Morocco and Mauritania could only maintain a few fortified strongholds within the territory. Moreover, since the July 10, 1978 coup in Mauritania, Mauritania has partially withdrawn from the southern sector, offered part of that territory to the Polisario, and is attempting a negotiated settlement.<sup>26</sup> This change of position by Mauritania, aside from constituting *de facto* recognition

<sup>19</sup> African Research Bull. Nov. 1975, at 3837.

<sup>20</sup> By April 1976, the following ten States recognized the Saharan Arab Democratic Republic: Algeria, Angola, Benin, Burundi, Guinea-Bissau, Democratic People's Republic of Korea, Madagascar, Mozambique, Rwanda, and Togo, U.N. Doc. A/31/23/Add. 5, 18 (25 October 1976).

<sup>21</sup> 30 Am. J. Int'l L. Supp. 185 (1936).

<sup>22</sup> See *Rights of Citizenship in Succession States Cases*, Annual Digest of Public International Law Cases, 1919-1922, Nos. 5, 6, and 7. See also Article 9 of the Charter of the Organization of American States, Bogota, 1948: "The political existence of the State is independent of recognition of other States."

<sup>23</sup> In British Courts, the retroactive operation of recognition is very broad. A cause of action based upon the existence of a particular State at the institution of proceedings, is nullified by the time of the hearing, the British Government recognizes another State as having been in existence when the action was commenced. *Bank of Ethiopia v. National Bank of Egypt and Liquori*, (1937) Ch. 513. Also, a judgment may be set aside on appeal if the British Government recognizes another State as having been in existence at the time of judgment. *Aksionatnoye Obschestvo A. M. Luther v. Sagor (James) & Co.*, (1921) 3 K.B. 532. Further authority is the *Tinoco Arbitration* (1953), where it was held that prior nonrecognition did not estop Great Britain from later alleging that the Tinoco Government was in fact duly constituted, 1 U.N. Rep. Int'l Arb. Awards 375 (1948).

<sup>24</sup> On February 8, 1978, the Popular Democratic Republic of Yemen (Aden) extended recognition. In June, the People's Republic of the Congo became the fifteenth State to recognize the Saharan Arab Democratic Republic, *Africa News*, June 12, 1978, at 12. Panama became the sixteenth State in July and Tanzania became the seventeenth in October 1978. Ethiopia became the eighteenth in February 1979, *Id.*, March 16, 1979, at 12. Vietnam became the nineteenth in March 1979, *Id.*, March 23, 1979, at 11. Cambodia and Laos extended recognition in April and on May 20, 1979, Afghanistan became the twenty-second State to recognize the Saharan Arab Democratic Republic, *Sahara Libre*, May 31, 1979, at 1.

<sup>25</sup> See *Western Sahara Dossier*.

<sup>26</sup> N.Y. Times, March 15, 1979, at A15 cols 4-6; *Africa News* July-August 1978. Moreover, there has been a cease-fire between the Polisario and Mauritania since the coup and both sides have released prisoners, *Id.*, Feb. 9, 1979, at 9.



of the Polisario, should put to rest any question about the Saharan Arab Democratic Republic lacking territory. Finally, as other nations have attempted to deny the true nature of hostilities by perverting the facts,<sup>27</sup> so Morocco categorizes the hostilities as Algerian incursions into Moroccan territory.<sup>28</sup> However, even if the Western Sahara were an integral part of Morocco and Mauritania, the actions of the occupying forces toward the civilian population are so utterly reprehensible and violative of international law,<sup>29</sup> that such assertions are stripped of any legitimacy they have.

#### CONCLUSION

As a precedent, the early success of Morocco and Mauritania posed a grave threat to international peace and security. In Africa especially, where boundaries were drawn by colonial powers without regard for ethnic groups, any successful assertion of historical ties to territory would have a pronounced destabilizing effect. Somalia, whose claim to the Ogaden was also based on historical ties, invaded Ethiopia in 1978. Again the assertion was historical ties when Uganda invaded Tanzania in October 1978. Attempting to rectify past wrongs through force merely ushers in an era of instability, bloodshed, and war with no guarantee that the resultant frontiers are a substantial improvement over the previous ones. These dangers devolve from the imprecision of the concept of a people: is a people defined by linguistic, religious, cultural, geographical or other criteria? Conflict over choice of criteria leads to war as it did in Alsace-Lorraine. If there is to be peace in Africa, then the sanctity of boundaries must be maintained. As Somalia, Uganda, and Mauritania have discovered, the answer does not lie on the battlefield, if only because of the prohibitive cost. Even Morocco has begun to realize there can be no military solution in the Western Sahara. Moreover, as Mauritania attempts to extricate herself from the war, Morocco stands alone while an erroneously perceived impediment for acceptance of the Saharan Arab Democratic Republic into the international community is removed.

<sup>27</sup> In an attempt to circumvent prohibitions of the League of Nations, Japan labeled the Sino-Japanese conflict of 1937 a "police action." Although there had been no declaration of war, nor had diplomatic relations been severed, a state of war did exist, *Kawasaki Kisen Kaisha v. Mitsui Bussan Kaisha Co. Ltd.*, (1939), 2 K.B. 544.

<sup>28</sup> For Moroccan accusations as well as Algerian denials, see *Jeune Afrique*, 32 (No. 924, 20 September 1978).  
<sup>29</sup> Morocco had acceded to the Geneva Conventions of 1949 prior to the commencement of hostilities, U.N. Chronicle (Sept. 1977). The primary purpose of the Conventions was to limit the scope of all hostilities. This is indicated by article 3 which is common to all four Conventions and applies to hostilities of a noninternational character within the territory of a Contracting Party. Article 3 distinguishes between combatants and noncombatants, with a strict prohibition against "violence to life and person," and any other actions which would inflict unnecessary suffering on noncombatants, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, 6 U.S.T. 3115, 3116, T.I.A.S. No. 3362. Yet occupying forces engaged in rape, mutilation, poisoning of desert water holes, and napalming of civilians, see *Western Sahara Dossier*. These actions also constitute genocide. Under article II of the Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948, 78 U.N.T.S. 277, to which Morocco is a party, genocide is defined as the killing, causing serious bodily or mental harm, or inflicting of conditions calculated to bring about the physical destruction in whole or in part, of a national, ethnical, racial, or religious group. The protection afforded by the Convention is applicable in time of peace or war, and to situations solely within the domestic control of States.



## APPENDIX 2

### CONFLICT IN THE SAHARA, BACKGROUND PAPER BY I. WILLIAM ZARTMAN, PROFESSOR, NEW YORK UNIVERSITY

Travel across the great African desert, or "sahara" in Arabic, is like a bridge tying together two shores of a sea; mining brings isolated temporary camps, similar to oil platforms in open water; and oases provide islands of difficult existence, buffeted by the wind and sand. But the main channels of human movement and activity in the Sahara occur around its edges, the western one of which is the Atlantic littoral of the desert. Here a series of inland plateaus manages to capture a bit of the moisture from Atlantic winds to provide enough seasonal vegetation for migrant grazing. Behind it lies a vast "empty quarter" covering northern Mali, southwestern Algeria and northeastern Mauritania with huge dunes ('erg Iguidi and 'erg Chech), pebbly plains (reg) and rocky plateaus (hamada). Dry as it is, the western Sahara forms an isthmus between Morocco and Senegal-Mali.

The vast arc between the southern Moroccan mountains and oases and the Senegal and Niger river valleys is sparsely inhabited by a mobile population of 1,000,000 or per square kilometer, a quarter of whom are settled in the few colonial coastal towns and traditional inland centers but most of whom are pastoral tribes in movement. The Berber-speaking Tekna tribes, related to the Moroccans of the Anti-Atlas mountains, inhabit the northern part of their territory. The large nomadic and warrior tribes, notably the Arabic-speaking Ulad Delim and Reqeibat, are located along the coast and inland of the central segment—primarily the Rio del Oro of the former Spanish Sahara—but in fact roam from Tisnit in Morocco to Tijikja in Mauritania. In land in the central part of Mauritania are other Arabic-speaking Moorish tribes who move seasonally north and south within their territory.

These people know no boundaries, and the straight lines that bounded Spanish Sahara, like those that separate Morocco, Algeria, Mauritania and Mali, are unrelated to any features of human or physical geography. The southeast points of the Rio del Oro border do touch the escarpment of the Adrar massif and the curved parts of the border in between arches at a 20 km distance from the valuable salt pan at Ijil, but the rest of the border corresponds to nothing. In the whole western Saharan region, only the Mali-Mauritanian border takes into account the nomadic patterns and watering holes. It stands as a unique example of the way borders should be regarded in Africa, for it was the subject of negotiations between independent governments in 1963 and was altered by common agreement to reflect pastoral and tribal needs. But even here, the actual lines have no physical or human feature to follow. A more complicating matter is the area between Bechar in Algeria and Tarfaya in Morocco, where no border exists at all, since the French earlier had found that "a country which is without water is uninhabitable and a delimitation therefor would be superfluous." In this kind of territory, any boundaries and territorial controls are difficult to apply, but a boundary or territorial dispute merely opens the area to its natural fluidity.

Not only is the economic and related social organization of the Saharan population beyond state control, but they have also been in recurrent war among themselves and in rebellion against regimes on the edges of the Sahara. Both are typified by the actions of the famous pre-nationalist hero, Ma al-ainen, who at the turn of the century delayed the French conquest of Mauritania with the help of the Moroccan sultan, and his son, al-Heiba, who from his desert bases was the last pretender to the Moroccan throne before World War I. Ibn Khaldun, the famous fourteenth-century Arab sociologist, had a theory about such activity; he saw North African history as a succession of regimes established by overflowing desert bands of militant religious reformers who softened as they adapted to city life beyond the mountains and fell prey to the next wave of fundamentalist warriors. Such indeed has been the history of the Moroccan sultanate over the past millenium, and the present Alawi dynasty itself came from the Tafilelt oasis along the Algerian border region in the mid-seventeenth century.

The current Saharan conflict was born in a network of conflicts among Algeria, Mauritania and Morocco. Within the central area of the kingdom—the so-called “government land” (*bilad al-makhzen*)—Morocco certainly qualified as a state-in-information in the Western sense during the ‘Alawi dynasty, but the traditional Islamic view of the state was not as a territorial unit but as a population entity, reflecting centralized politico-religious focus within the common religious community (*umma*). At the beginning of the twentieth century, the Moroccan Empire extended southward beyond the Atlas and Anti-Atlas mountains for an indeterminate distance, with the sultan’s religious position as *imam* and *khalifa* of the west recognized by tribes living throughout the great western arc of the Sahara where grazing and commerce was possible.

The central area of the kingdom fell under the colonial control of the French and Spanish in 1912, but as a Protectorate, not as an outright colony. The continuity of the kingdom was internationally recognized, and the United States pursued an important case to the International Court of Justice to reaffirm that continuity. The western desert was not conquered until twenty years after the establishment of the Protectorates, however, when the French took the Tafilalet and the Regeibat base of Tindouf from the north and the Adrar from the south and the Spanish moved in from their few coastal posts to take their share of the Sahara.

In another twenty years, the tide of history was reversed and the colonial “protection” of the monarchy began to be removed. The French and Spanish Protectorate were abolished in 1956 and Tangier was restored from international status to an integral part of the kingdom. The southern Spanish protectorate over Tarfaya, just south of the river Dra’, was removed in 1958, and the coastal enclave of Ifni was returned to the kingdom in 1969. It is not surprising that the Moroccans looked for the rest of their territory to be retroceded as colonial rule was gradually removed. The most articulate spokesman of this view was not King Mohammed V or, after his death in 1961, his son King Hassan II, but the Independence (*istiqlal*) Party, direct successor of the nationalist movement and Morocco’s largest political party. The eloquent spokesman for irredentism was its president (until his death in 1974), the *‘alim* and charismatic political leader, ‘Allal al-Fassi, who had long led the call for the independence of Tindouf and western Algeria, northern Mali and all of Mauritania and Spanish Sahara and their reunification with the Moroccan Empire. Even the other parties—notably the left opposition offshoot of the Istiqlal and the right groupings of independents and “king’s men”—adopted some form of irredentism, making it part of the fundamental themes of Moroccan politics.

But Morocco is rare among colonial territories in having a historic state that continued under colonial rule. More common is the colonially-created state which then accedes to independence within its colonial boundaries, either through a territorial legislative act or through negotiations with a nationalist movement. Thus Algeria fought, negotiated and voted in 1962 in a referendum for its independence, in which one of the points at issue was the very inclusion of the central Sahara and Tindouf. Its unmarked border gave rise to an inconclusive war with Morocco the following year. African mediation and OAU attention provided a cease-fire and gradually cooled down the conflict.

The crucible of Algerian political attitudes is quite different from the Moroccan experience. Whatever the status of Algeria’s sovereign confederation of city states before the French conquest, it did not constitute a historic state. Algeria was the creation of 130 years of direct and intense colonization and of a revolutionary war of national liberation that won its independence. Its liberation struggle was a popular progressive cause of international dimensions, and its victory left it with feisty aspirations to Third World leadership and a penchant for supporting national liberation movements. But Algeria, the second largest state on the maps of Africa (after Sudan) has a population slightly smaller than Morocco’s, a slightly larger GNP (and per capita GNP) and economic growth rate, and so a sense of sharp rivalry that is often created by the combination of a similar power base and a very different political system. Algerians frequently cite “the balance in the area” as the context for policy toward Morocco and the reasons for opposition to Moroccan irredentism, reflecting a common misperception of balance of power in which the speaker must hold the edge of the balance. Moroccans have learned to respond in the same way, in reverse. Algeria has frequently been the spokesman for progressive, activist, confrontationist groups of African and other Third World states on continental and international—notably New International Economic Order—issues; Morocco has led similar groups of African states on an



opposing, moderate stand. Finally, the 1963 war, despite subsequent reconciliation, has left a legacy of an unfinished fight, particularly among the military of both sides.

Mauritania was created as a territory of French West Africa (AOF) and became independent in 1960, its very existence contested at every step along the way. Predominantly Arab in its population, it nevertheless has an important black (Toucouleur) minority related to the population of its neighbor, Senegal, and its existence was supported by its former AOF neighbors and by the larger moderate alliance of some of them, the African and Malagasy Union (UAM) and then the African and Malagasy Common Organization (OCAM). In 1965, however, Mauritania resigned from OCAM and began to develop ties with the more progressive Arab states, and particularly with Algeria as a counterweight to Morocco, and in 1973 completed its switch of alliances by joining the League of Arab States. In the process, Morocco came to recognize the existence of Mauritania and after 1969 dropped its claims on Mauritanian territory.

During the process leading to independence, President-to-be Mokhtarould Daddah articulated a different philosophy to face the Greater Moroccan idea in speaking in 1957 of a Greater Mauritania, a desert entity of similar people between the Senegal and Dra' rivers and hence including the then-Spanish Tarfaya and then-Spanish Sahara as well as Mauritania. The independence of Algeria and the return of Tarfaya to Morocco left little room for the realization of this idea during the 1960s and early 1970s.

Thus, the western end of the Sahara is the arena of three overlapping conflicts: A Moroccan-Algerian rivalry of growing powers across an in-existent border, a Moroccan-Mauritanian conflict over identities, and a Mauritanian claim over the neighboring Sahara. It is in this context that the decolonization of the Spanish Sahara has arisen and it is only within these sets of relations that the conflict can be resolved.

#### CONFLICT

After initial conflict reflecting conflicting longterm goals, the three states neighboring on Spanish Sahara joined forces in the pursuit of immediate aims. The campaign for the decolonization of the territory began with a U.N. resolution of 1965 calling for negotiations with Morocco and Mauritania, but the annual resolutions thereafter called for self-determination through referendum. Throughout the 1960s, the two states each pursued its claim to the territory, while Algeria led the campaign for a referendum and Spain periodically announced plans for one; each of the latter parties apparently hoped for a weak Saharan state that would be dependent on them, respectively. Once Morocco recognized Mauritania, at the Islamic Conference in Rabat in September 1969, however, the three neighbors started coming together, shifting their competition for territory to cooperation against Spanish rule. In May 1970, King Hassan and President Houari Boumedienne of Algeria met in Tlemcen and agreed to a joint campaign, and the following month Morocco and Mauritania signed a friendship treaty that formally ended Morocco's claim on Mauritania. In September, Hassan, Boumedienne and ould Daddah met at Nouadhibou to plan a joint campaign against the Spanish.

The most extraordinary component in this renversement des alliances was accomplished by Morocco. The early 1970s were difficult years for the monarchy, which had just lifted a 5-year state of emergency, established two constitutions in rapid succession, faced two barely unsuccessful military coups, and had to contend with an extra-party leftwing opposition which found sanctuary in neighboring Algeria. The wisest policy was to mend fences on the Algerian side, and the best way to mend fences was to fill in the in-existent border. In Ifrane and Tlemcen, in May 1970, Hassan and Boumedienne agreed to set up a border commission, and on 15 June 1972 Morocco and Algeria signed a border agreement which essentially accepted the Algerian terms: a border to be demarcated along the hamada escarpment south of the Dra', Moroccan renunciation of claims over Tindouf, cooperation in evacuating the iron mined at Gara Jebilet through Moroccan ports. However, the agreement won Morocco one point: Algerian support for Moroccan claims over the one remaining piece of the irredenta, the Spanish Sahara. Boumedienne called in ould Daddah and told him to come to terms with Morocco.

Cooperation continued over the next two years. The day after the border convention was signed, Hassan announced Algeria's withdrawal from interest in the Sahara to the OAU and two years later Boumedienne explicitly blessed the Morocco-Mauritanian solution for the territory at a private meeting of heads of state (of which the Moroccans made a recording) of the Arab League in Rabat,

as did Algerian Foreign Minister Bouteflika in Rabat as late as July 1975. In July 1973, the three heads of state met at Agadir to coordinate their policy further. Morocco's policy had found support among its neighbors, and Mauritania felt it too had maintained a constant policy, now made possible by the agreement of Algeria and by the willingness of Morocco to share the territory. Presumably, in the first discussions at this point, Morocco was to receive Saquiat al-Hamra, the smaller part which contained the rich phosphate deposits of Bou Cra' first mined in 1973 and mainly inhabited by the Tekna, and Mauritania would receive the larger poorer Rio del Oro largely inhabited by Reqeibat and Oulad Delim.

By 1974, the year of the Portuguese decolonization, pressure on Spain had begun to be effective and events accelerated. Spain announced its intention to comply with the 1973 UNGA resolution and in 1975 to hold a referendum in the territory. Faced with this challenge, the Moroccan and Mauritanian strategy finally jelled, and at the end of the year the two introduced a resolution in the UNGA calling for an advisory opinion from the International Court of Justice on the precolonial legal ties of the territory to the Moroccan Empire and to a Mauritanian entity. In consequence of the resolution, the two states then submitted their case to the Court. When the Court's opinion was rendered, in October 1975, it recognized such legal ties but declared them insufficient for current claims of territorial sovereignty; self-determination, not history, was the only acceptable basis for territorial disposition, as the U.N. resolution had declared for the Spanish colony from 1966 to 1973, and as contained in the original resolution on decolonization of 1960. Morocco, however, seized upon the first phrase of the Court's opinion and massed 350,000 civilians on its southern border for a "Green March" into the territory.

Under this threat, Spain agreed to negotiate with Morocco and Mauritania; Morocco called off the Green March, and the three countries soon arrived at the Tripartite Agreement at Madrid on 14 November 1975, transferring administration of the territory to its two neighbors by 28 February 1976. On 14 April 1976, the two administering countries concluded an agreement partitioning the territory, the northern two-thirds becoming the three Moroccan provinces of Laayoun, Smara, and Boujdor and the southern third becoming the Mauritanian province of Tiris al-Gharbia. Six months later, the Tiris voted for Ould Daddah in the Mauritania presidential elections along with the rest of the country, and sent its eight representatives to the National Assembly. In November, the Moroccan province elected their local councils along with the rest of Morocco, and in June 1977, sent independent and Istiglali representatives to the Moroccan National Assembly, in the national elections.

It is not known when or why Algeria changed its position from publicly committed support to active opposition against the Moroccan-Mauritanian solution. It has been suggested that hardliners in the Algerian Council of the Revolution eventually convinced Boumedienne, or that he realized on his own that he had given up a strategic position, or that a Morocco-Mauritania-Spanish agreement was so unlikely that he felt he could agree without any danger of realization, and any of these interpretations could be correct. It has also been suggested that he changed position after Algerian ratification of the convention in 1973 because he felt that non-ratification by Morocco effectively annulled the treaty, but it is likely that Algeria changed its position earlier and in any case it still does not consider the convention to be invalid. When, in 1974, Morocco and Mauritania turned to the International Court of Justice for advisory opinion, Algeria appeared before the Court as a contesting rather than a supporting party.

In the event, by 1975, Boumedienne was personally committed to a defeat of the Moroccan position by all means, probably for a number of reasons: personal sense of umbrage at the successes of Moroccan diplomacy just when Algerian leadership was at its height, a personal sense of disdain for Ould Daddah whom he regarded as a renegade progressive who turned against his mentor, and a personal commitment to the desert warriors of the Saharan national liberation movement.

There have been a number of bodies which purport to represent the people of the territory. On one hand, the Spanish instituted an assembly or *jama'* (*yemaa* in Hispano-Arabic) in 1967, elected for a second time in 1971, with 40 directly elected seats and 42 tribal chiefs; in 1973 membership was increased to 102. This was the body that corresponded to the territorial assemblies and legislative councils in other African territories which often legislated the independence of their countries. In Spanish Sahara, the *jama'*'s resolutions frequently favored cooperation with the colonial power (as did other territorial assemblies on occasion) with bursts of individual independence; Khatri, chief of the leading



Regeibat Leguacem faction, was arrested in an important nationalist demonstration in 1970 but elected president of the *jama'* in 1971, an example of the shifting loyalties common to the region.

On 28 November, 67 members of the *jama'* met under the aegis of the national liberation movement at Guelta Zemmour to declare themselves in favor of the movement and then to dissolve the body. But on 22 December, 72 members endorsed the Tripartite Agreement in writing, and on 28 February, 65 members—including some 40 who had met at Guelta Zemmour—again supported the Moroccan administration at al-Ayoun. However, U.N. Secretary Waldheim refused to attend any of these meetings to certify them as self-determination.

A number of nationalist movements have appeared during the 1960s, usually under the patronage of one of the neighboring countries but usually not too long under any one country's sponsorship. The most important—because eventually most independent—arose in 1968 among conservative Muslim students in Rabat who formed the Saharan Liberation Front and who organized an important nationalist demonstration in Laayoun on 18 June 1970. Pursued by the Spanish Army, the leaders and sympathizers fled to Mauritania and in May 1973 began the first in a series of attacks on Spanish troops under the name of the Popular Front for the Liberation of Saqiet al-Hamra and Rio del Oro (Polisario). The Polisario gradually shifted its patronage from Mauritania to Algeria, although many of its leaders are of Mauritanian origin and its Secretary-General, al-Ouali, killed in 1976, was a Moroccan.

When the U.N. Visiting Mission came to the territory, in mid-1975, it found strongest sentiment behind the Polisario and its option for independence. When the Moroccan Army entered the territory with the vindictiveness that "liberating" armies often show for "friendly" people, it was the Polisario that organized as much of the nomadic population as it could and directed them to refugee camps in Algeria, between Tindouf and Gara Jebilet. When a Sahrawi Arab Democratic Republic (SADR) was declared from Libya on 26 February 1976, it was the Polisario that made the declaration, before the more usual interval of guerrilla successes had taken place. In the tradition of the area, the Polisario-SADR leadership has come from all over. One group was born in southern Morocco: Prime Minister Mohammed Lamine, Information Minister Mohammed Salemould Salek, Secretary General 'Abdul'aziz deputy Secretary General Bachir Mustafa Sayed. Another group comes from Mauritania and was once active in Mauritanian politics: Foreign Minister Hakim Ibrahim, politburo member Ahmed Baba Miske.

These groups of origin in turn redivide into groups of followers: pro-Algerians, pro-Libyans, and other tendencies, where the lines are more fluid and change with the season, according to the custom of the area. Above all, by 1978, the Polisario had developed a life of its own, independent of its primary Algerian sponsors and difficult to extinguish by fiat, just as their political character is above all independent.

Prior to November 1975, the Sahara situation was fluid, with a number of competing parties pursuing different aims. With the signature of the Tripartite Agreement, conflict crystallized. There was an occupying power claiming sovereignty in each part of the territory, united in their efforts since mid-April 1976 by a treaty of mutual cooperation. Between 1976 and 1979, 9,000 Moroccan troops were stationed in Mauritania, in addition to the 30,000 Moroccan troops in southern Morocco and the three Saharan provinces; the Mauritania army of 1,500 in 1975 was rapidly brought to 17,000, a figure which eloquently symbolizes the burden of the conflict.

Moroccan and Mauritanian strategy through 1978 has been to occupy and defend their new provinces, bringing as much normalcy and prosperity as possible. This has meant above all a policy of sedentarization, more favorable both to control and to development. From the north Morocco has brought a \$230 million development program, civilian technicians and administrators, and new settlers, including Saharans who fled Spanish and French territories in 1958 and thereafter. Morocco has also tried to win back refugees but has been unable to penetrate the Polisario-controlled camps. It has also tried to settle nomads, to the point of confiscating camels, in order to increase control of the population. Successful occupation and normalcy has been necessary to restore the economic worth of the area, by bringing the mining and transportation facilities back into operation.

Militarily, the strategy has been to establish defensive points at strategic locations and to ring them with three defense lines made of further armed posts. The strategy has generally been successful in occupying and defending settlements and

even in keeping open transportation routes, has been able to keep attacks away from the core, settled area in most cases. However, it has not been able to occupy the vast stretches of desert or to interdict them to enemy use, nor has it been able to assure complete security from attack on points and lines. As a whole, the strategy is essentially defensive and depends on being able to hold on.

The domestic foundations of this common strategy bring out the greatest distinction between the two countries, however, in Morocco, the economic cost is high but the political effects are crucial to the stability of the political system, to the point where they impose real constraints on the policy latitude of the incumbent or any other government. Morocco's general policy goals are primarily national in scope, and the Saharan issue is the final campaign in the struggle to define the nation. (The one general policy goal which transcends this issue is the occasional leadership of a group of African and Arab moderates against radical encroachment, an effort not incompatible with the Saharan strategy).

The king is outflanked on the Saharan issue by the Istiqlal party, and the other parties—including the Communists—feel the issue to be so unquestionable that they can only situate themselves in the narrow space between King and Istiqlal. The Green March was a remarkable feat of mobilization as well as logistics, and the belt-tightening that has accompanied the continuing Saharan conflict is seen as an unfortunate national necessity. When, on top of the war effort, the international demand for phosphate fell in the mid-1970s, the king decided to cancel the Five-Year Development Plan (1978-82) in its first year and impose an austerity plan for the same period. There are obvious limits to this popular commitment, but it is hard to tell where they lie. In any case, any eventual replacement of the monarchy would be a response to weakness, not to overcommitment, on the king's part, and would be even more harshly attached to an anti-Algerian, pro-Saharan policy. In the meanwhile, the effect is to restrict severely the bargaining range of the king, as seen for example in his inability to secure ratification of the 1972 treaty (assuming he wanted to, which amounts to the same thing).

The reverse is true in Mauritania. Despite ould Daddah's Greater Mauritanian dream, the issue was only as popular as its success and inversely as popular as its burden. But by 1977, defence took up 60 percent of the Mauritanian state budget and a 25 percent war tax was imposed on salaries. The largely rural and partly nomadic population grumbled because the war was diverting money from rural development, the youth complained because it was undermining Mauritania's socialist option, and the businessmen protested because it limited their prosperity.

A special congress of the Mauritanian people's party (PPM), single party of the regime in January 1978, endorsed the Saharan policy but provided no enthusiasm behind the regime. Many of the new conscript were blacks from the Senegal valley, who had no interest in the affair (except to prevent a Polisario takeover of Mauritania itself, since the liberation movement was remarkably scornful and even racist about the black population). Furthermore, even ould Daddah's policy was couched in the same human—rather than state—terms; when justifying Greater Mauritania, he spoke of uniting families, not balancing power. In real terms, Mauritania received a potential iron mine at Agracha, rich fishing grounds off the coast, a fine port at Dakhla, and final settlement of the Morocco irredenta threat, but in the process it also found itself occupied by Moroccan troops. As a consequence of all these burdens of the wartime situation, and in accordance with some of the basic theorems of military coups, the Mauritanian army overthrew ould Daddah on 10 July 1978 and put in a moderate military government under Col. Mustafa ould Mohammed Salek.

The Algerian strategy is more complex. It consists of military support for the Polisario to bleed the enemy, and diplomatic support for the SADR, to keep the issue alive and eventually win, applying the lessons of the Algerian revolutionary war. At the end of 1975 there were some 20,000 Algerian troops in the Spanish Sahara and the Tindouf area, and in January 1976 there was a direct clash between Moroccan and Algerian troops at Amgala. The battle was crucial for it set one of the constraints of the conflict: no more direct contact between the two major adversaries. In 1976, in some frustration, Hassan publicly called on Algeria to come out and fight, or negotiate; Boumedienne did neither.

In November 1977, Hassan threatened hot pursuit but did not carry out his threat. In 1978, some further clashes in southern Morocco were said to involve Algerian troops and the atmosphere tightened again, but nothing was proven. Indeed, there are repeated stories about the active role of Algerian troops with the Polisario but no proof, and above all no prisoners.



In the absence of evidence of direct participation, Algeria can be said to arm and train the Polisario, joined by Libya in the military supply function. In addition, Algeria provided sanctuary for the six refugee camps, which in the presence of the constraint against direct military contact was crucially protective.

Politically, Algeria has disclaimed any interest in the territory but repeatedly insisted on the procedures of self-determination. While it has sometimes forgotten that most African countries were not born through a referendum, contrary to Algerian experience, it has pressed the self-determination resolution through a number of international organizations as part of its campaign. The UNGA has long (but not initially) been on record behind a referendum, and in 1978 it also gave recognition to the Polisario.

The Arab League was earlier won over by Moroccan diplomacy, a process completed by Boumedienne's endorsing speech at Rabat in 1974, and the only other Arab state besides Algeria (not even Libya) has recognized SADR, South Yemen. It is in the OAU that the major diplomatic battle has been waged, ending in a draw but by its very continuation providing a sense of an unresolved problem that is useful to Polisario. Morocco (and Mauritania) have been able to block discussion of the problem in the annual OAU Summit with a threat to withdraw from the Organization if it gave any recognition to Polisario, although they lost the vote in the preliminary Council of Ministers in 1977. The OAU Summit decided to submit the problem to a special Summit, which Morocco accepted on condition that all heads of state be present; the meeting was scheduled for Lusaka in 1976 and then for Libreville, and understandably never took place. The African heads of state have had no desire to be torn publicly between Morocco and Algeria, two major OAU members.

Finally, in 1978, the problem was handed to a 5-man Committee of Wisemen, which took some months to form; by early 1979, it finally comprised Sudan's Nemeiry, Tanzania's Nyerere (who recognized SADR), Nigeria's Obasanjo, Ivory Coast's Houphouet-Boigny, Mali's Traore and Guinea's Toure, but its operative part was a subcommittee of Nigeria and Mali.

As of early 1979, 13 African states besides Algeria had recognized SADR: Angola, Benin, Burundi, Comoros, Congo, Ethiopia, Guine-Bissau, Madagascar, Mozambique, Rwanda, Sao Tome, and Principe, Tanzania, and Togo (plus North Korea and Panama, as non-Arab, non-African states), but only Panama and Tanzania had joined the list since 1977. A number of other African states have moved toward recognition and then held off, a result favorable to Morocco, but as long as the issue remains to annoy the members of the OAU, Algeria will have been minimally successful.

It has been the Polisario strategy which has determined the course of the conflict. Initially, the Polisario undertook direct attacks on the occupying Moroccan and Mauritanian armies as they took over the territory, and it was defeated. In early 1976, it withdrew to its Algerian sanctuary to prepare a new strategy. From then on, until mid-1978, both for tactical reasons and because of the nature of its leadership, the Polisario threw the main weight of its Fabian attacks against Mauritania. Each success engendered a military escalation from the other side, however, until the weight of escalation became too heavy for the other side to bear. In June 1976, a daring raid of some 500 Polisario troops in 100 vehicles under the leadership of al-Ouali struck 1,000 miles into Mauritania at the capital itself. The Nouakchott column was defeated and al-Ouali killed, and the Mauritanian army developed a more sophisticated defence against longrange raids, including counter-attacks around pre-identified cache-points.

A year later, in May 1977, another deep raid interrupted mining operations at the iron mine at Zouerate and carried off 6 French technicians as hostages. While Paris negotiated their release, it also sent six Jaguars from their Dakar base to harass Polisario units and protect its nationals. The Jaguar raid ceased at the end of the year but the threat was present.

Once Mauritania was knocked out of the war, the Polisario strategy changed. It announced a unilateral cease-fire in July 1978 in the Mauritanian sector, which it periodically threatened not to renew if Mauritania did not show proper progress toward separate peace. It also intensified its efforts against Morocco, particularly increasing its attacks on southern Morocco proper, and it declared its goal to be a "military solution" not by conventional military victory but by destroying enough costly military materiel to break the Moroccan military machine—in reality, an "economic solution" as in Mauritania. The salient events of this campaign were the January and June 1979 raids on the commercial center and

military base of Tantan, in Tarfaya, where the Polisario suffered heavy losses against but where it also showed its ability to penetrate defences and wreck havoc in Moroccan territory. The Tantan attack was also important, however, as a concerted effort to impress and commit the new Algerian leadership, meeting at the moment in party congress, and whose devotion to the cause was rumored to be less firm than Baumedienne's.

Resources are a primary element of conflict, and in the Sahara, military resources have remained at a steady level, if anything avoiding escalation. Since the beginning of the conflict the Polisario has been assured Communist countries' arms through Algeria and Libya; the Algerian military budget rose by 25 percent in 1976 and again in 1977, and an arms modernization program with U.S.S.R. was begun. Morocco continues to be supplied by France and the U.S., and the latter, entangled in a legalistic notion of Moroccan territory and of human rights, has refused counter-insurgency arms useful to the Saharan campaign and even raised questions about other arms regularly supplied to Morocco. Mauritania has received financial aid from Libya and Saudi Arabia for budgetary and defense support; after the military coup, France, Saudi Arabia, Kuwait, Libya, and Morocco provided additional aid. The French Jaguars did provide an escalation in arms that restored stalemate; American low-flying aircraft would have at least done the same, but probably no more as long as Polisario continued to enjoy Algerian sanctuary.

Thus, the nature of the conflict has been a sudden, carefully controlled escalation that removed Spain from the territory, and then a stalemate among the remaining parties until one of them could not stand the weight of the stalemate any longer and dropped out. The remaining parties have returned to their stalemate. Each is safe in its home territory, the Moroccans secure behind the mountains and the Polisario secure behind the Algerian border. The conflict continues, not for territory as in 1975, which can never be fully conquered as long as each enjoys sanctuary, but over the ability to attack bases in the general area. In this conflict, Morocco is at a disadvantage, since its goal is territorial occupation and normalcy, but the ineffectiveness of the Polisario's corresponding disadvantage is its lower level goal—merely disruption of the other side.

While it is possible that one side or another simply wear down under the burden of costly stalemate, as did Mauritania, it is more likely that the stalemate be broken either by an escalation or a deescalation by one of the parties, or by a direct move to settlement. Without judging their relative "merits" or the second level effects that might follow, escalation possibilities include: A Moroccan attack on the Polisario sanctuaries in Algeria, a direct Morocco-Algerian military confrontation, a Polisario attack on a Moroccan city north of the Dra', a SADR takeover of Tiris, an international organization vote (UNGA, OAU) specifically favorable to the Polisario or SADR, or a wave of diplomatic recognitions of SADR. The first three would imply escalation by raising the level of military confrontation to that of conventional war on both sides and probably occasion the direct participation of a third party (Algeria), whereas the last two measures would enhance the legitimacy and rigidify the goals of the politically weaker party, raising it to the status of its opponent.

Conceivable deescalatory measures include a reduction of goals or means on either side, such as an Algerian denial of sanctuary to Polisario, an end to Algerian or Libyan arms supplies (a more gradual measure), a Moroccan withdrawal from some of its defense perimeters, a Polisario return to Mauritania as an opposition movement with or without a territorial base in Tiris, and a clear OAU recommendation against recognition of Polisario/SADR.

#### CONFLICT RESOLUTION

There have been three phases to the conflict resolution efforts on the Saharan conflict: an initial flurry of contacts from outside states, a long period to let the stalemate ripen during which the parties to the conflict kept in touch, and the time for conciliation beginning with the disappearance of Ould Daddah and then intensified by the disappearance of Boumedienne.

During the first half of 1976, the heads of state or other top officials of Saudi Arabia, Tunisia, Iraq, Kuwait, Egypt, Senegal, Guinea, Gabon, the Palestine Liberation Organization, the Arab League, and the OAU visited or otherwise contacted one or both parties to ascertain possibilities of reconciliation. They rapidly ascertained that there were none. Four attempts were especially serious.



One was the week-long shuttle of Hosni Mubarek, Egyptian vice-president in late January and early February, proposing a ceasefire, foreign ministers' meeting, and then summit among the three states in the conflict; Algeria demanded Moroccan evacuation of the Sahara before the summit, however, and Morocco agreed only to the first two steps. The other was the effort, between February and May, by President Senghor to meet the form of all demands by proposing a referendum on that would confirm the partition and occupation of the territory, as in the case of Irian Barat, along with joint exploitation of Gara Jebilet and Bou Cra'. In March, on Saudi and Yemeni request, an Arab League mission worked out an agreement among the parties not to use force, but it did not include the Polisario.

At the end of 1977, the Saudis again sought to mediate and a summit in Riad was rumored but never materialized. Only the latter was tied to the evolution of the conflict, for it was a response to the escalation produced by the Zouerate raid and the introduction of French Jaguars. But neither the escalation nor the stalemate were as yet serious enough to produce a will to negotiate among the parties.

During 1977-1978 there were continuing contacts among parties. Polisario approached Morocco and Mauritania separately to inquire about a separate peace against the other party; unfortunately for the proposer, the two allies exchanged intelligence reports. Again in early 1978, Polisario again suggested a separate peace with Mauritania and in May Mali tried to bring the two together; in fact, at first it sought a whole Saharan summit, with the participants in the Chad conflict invited as well. The summit never materialized, since neither conflict was ready for it, but Mauritania-Polisario contacts continued under Malian aegis.

The overthrow of Ould Daddah was the culmination of the Polisario's Mauritanian strategy, but when it occurred they did not know how to take it. The unilateral ceasefire was a clever move, for the new military rulers of Mauritania were torn between their desire not to lose face as military and as nationalists, and hence to pursue the war, and their desire to end the war which they blamed on Ould Daddah. The cease-fire removed the need to prove their continuing respectability as warmakers and concentrate on their ability as peacemakers. France, Libya and Mali saw the importance of the moment and offered venues, projects, and good offices. A meeting between Mauritania and Polisario in Bamako was also attended by two of the Moroccan King's closest collaborators, Maitre Guedira and Col. Dlimi, but the report of the meeting reached the King at the same time as the news of Boumedienne's illness and he is reported to have declared that as long as Boumedienne was dying talks were no longer necessary. The illness was also to claim as its victim a proposed meeting between Hassan and Boumedienne in Bruxelles. In September, Boumedienne addressed Hassan a conciliatory message (which still insisted on self-determination) of no immediate consequence but perhaps encouraging the Bruxelles summit.

All of these efforts focussed on contacts; only the earlier Senegalese attempts involved a formula for agreement. In the midsummer and then fall of 1978, a new formula appeared, associated with but denied by the French and also associated with Algeria. The original form involved handing the Tiris to the Polisario who would then federate with Mauritania. Hassan then threw cold water on this proposal in an enigmatic speech on 20 August when he declared that he would not permit a state of a different ideology on Morocco's southern border. In response, a variant on the formula was put forward: a "Gambian solution" involving a slight retraction of the southern border of the Moroccan Sahara so that the Polisario-Tiris would be completely surrounded by Mauritania. The primary obstacle to this round of proposals and contacts was the "point in time"; any solution was wasted as long as the status of Boumedienne and, eventually, his successor, was settled. Thereafter, a decent interval was also required so that the new team of Col. BenJedid could settle into place and any policy changes not have the appearance of a public disavowal of his popular predecessor.

There are three possible outcomes. One side or the other may achieve its current demands and win, without any need for negotiations. For Morocco to win, Algeria would be required to cut loose the Polisario; end its arms supplies, its military activities from the refugee camps, and its use of Algiers as its political or diplomatic platform; and Morocco gradually consolidate its military control of the territory, with Mauritania following in some way. For Polisario to win, it would need an overwhelming wave of diplomatic recognitions and some spectacular raids on Moroccan territory, forcing both Mauritanian and Moroccan withdrawal from the Saharan territory. The first is more likely than the second, and the latter would doubtless entail the overthrow of the monarchy as a consequence.

The third possible outcome is negotiated, and it will require an acceptable formula, a softening of all parties' perception of the acceptable, and static-free open communications, three elements that need a third party role. The Algerian refusal of the Moroccan delegation to Boumedienne's funeral is an example of a poor signal, fortunately not taken seriously; the Moroccan statement by Foreign Minister Boucetta after the Polisario attack on Tantan, claiming it was an attempt to reinforce the Algerian hawks and drive a wedge between Morocco and Algeria, shows a good sense of both signals and audience. Third parties have urged that Algeria take the Moroccan message seriously. A Polisario Tiris federated with Mauritania, joint exploitation of the area resources, Moroccan ratification of the 1972 treaty, local autonomy for the Moroccan Sahara are all possible elements in a package that might grow out of a conciliation process.

In this case, escalation is not conducive to settlement, the stalemate in place is its own effective pressure for reconciliation (just as it is pressure for escalation, a fact which reinforces the pressure for negotiation), and the OAU summit in the summer or the U.N. in the fall act as deadlines. Above all, a solution to be effective must respond, not to the rightness or wrongness of Morocco or the Polisario or anyone else, but to the three sets of conflictual relations across the Sahara which underly the issue.



## APPENDIX 3

## STATEMENT ON THE CONFLICT IN THE WESTERN SAHARA AND U.S. POLICY, BY ROBERT A. MORTIMER, ASSOCIATE PROFESSOR OF POLITICAL SCIENCE, HAVERFORD COLLEGE, HAVERFORD, PA.

Writing of the conflict in the Western Sahara some eighteen months ago, I concluded that the American interest was to encourage an internationally supervised self-determination referendum.<sup>1</sup> In my judgment that is still the American interest. The basic cause of this desert war is the denial of the right of self-determination to the people of this former Spanish colony.

The United States has few material or strategic interests in Western Sahara itself. It does have a strategic interest, however, in averting an extension of the current guerrilla war into a full scale conflict between Algeria and Morocco. Such a war would destabilize the entire northwest African region and threaten great power intervention. The dynamics of escalation are difficult to predict but unattractive by any scenario. The way to stave off a dangerous expansion of the hostilities is to convince Morocco that a negotiated settlement is safer and more advantageous than its effort to maintain the status quo by military occupation.

Beyond this broad strategic interest in the larger theater of conflict, the United States has an intangible interest in the human rights of the displaced and disfranchised Sahraouis. A settlement would allow the large refugee population to return to its territory in peace. Self-determination would satisfy a principle

that is universally recognized in colonial situations. I believe that the American government has a stake in the exercise of this right by the Sahraoui people.

The Maghreb and the western reaches of the Saharan region are not areas in which the United States has played a major role. They remain more important to our European allies than to us. Although the region is of indirect or secondary interest to the United States, it is always in our greatest interest to seize a timely opportunity to calm a potentially explosive troublespot. Such a moment appears to be at hand. One year after the overthrow of Mauritania's Ould Daddah, half a year after the selection of a new President in Algeria the possibility of a negotiated settlement is taking shape.

Such a settlement would improve American relations with the new government in Algeria, a country which is an influential member of the Third World coalition and a valuable economic partner. It would also ease the problems facing Mauritania, a contribution which on balance would be welcomed by other West African states like Senegal. There would undoubtedly be some costs in strained relations with Morocco, but these ought to recover more readily from a settlement than they would from the outbreak of an expanded conflict.

The Western Sahara issue has been perceived by the various parties as an essentially African rather than Middle Eastern or Arab world issue. Decolonization is a critical theme in African affairs, and the problem is validly seen as a decolonization issue. Although the major actors are of course Arab peoples, they are all actively involved in African politics. Algeria long ago established credentials as a militant supporter of black African liberation movements.<sup>2</sup> It thus enjoys a measure of earned credibility in its current support



of Polisario. Morocco has a more ambiguous record in African affairs as a result of its decade-long claim (1960-69) to Mauritania which complicated its relations with the great majority of states that fully recognized Mauritania as a sovereign state. Mauritania itself, now essentially a secondary actor in the ongoing conflict, has always been active in African affairs by virtue of its colonial legacy as part of French West Africa.

Furthermore the Saharan conflict has spurred an even more active African involvement as the parties have sought to bolster support for their positions in the Organization of African Unity (OAU). Most notable has been Morocco's dispatch of armed forces to Zaire during the two invasions of Shaba province in 1977 and 1978. In the early 1960's, Algeria was a prominent supporter of the Lumumbist wing in Congolese national politics, and it has never enjoyed very cordial relations with the Mobutu government. On the other hand it was an early supporter of the MPLA in Angolan pre-independence politics, reinforcing tensions with Zaire which backed the FNLA in the long prelude to the 1975 struggle for power in Angola. These various alignments are part of a larger pattern in continental politics, generally referred to as a split between moderate and radical African states. Roughly speaking, the Western Sahara issue has reproduced this familiar polarization in African politics, i.e., the regimes that have most prominently backed the Algerian position notably by recognizing Polisario's government-in-exile (RASD) are among those generally considered to be radicals (for example, Angola, Benin, Burundi, Congo, Guinea-Bissau, Madagascar, Mozambique, Tanzania, and Togo). Morocco's

succor to Zaire, coupled with the old school tie of Mauritania to many of the francophone Africans, has meant that moderates (like Senegal, Ivory Coast, Gabon, Upper Volta and of course Zaire) have been the most supportive of the status quo. If one takes as a premise that American interests in Africa generally are not well served by a sharp polarization into two blocs, than a settlement of the Western Sahara dispute would enhance the broad American interest. Polarization is likely to complicate the task of the United States in making headway on the southern African problems which are of the greatest concern to us at present.

A disgruntled Algeria, for example, could conceivably play some role in the posture of the front-line states toward Zimbabwe-Rhodesia, or of Angola toward Namibia. The sentiment that the United States played a constructive role in allowing the Sahraouis to determine their future could not harm our diplomatic efforts further south in other self-determination struggles.

Although I see the African ramifications of Western Sahara as most significant, there is a Middle Eastern dimension as well. Just as it has given material support to Zaire, so too has Morocco given moral support to Egypt in its policy of peace-making with Israel. Conversely, Algeria has condemned the peace treaty and has been a leader in the effort to isolate Egypt diplomatically. Algeria's strong support for the Palestinian cause is unlikely to change whatever the situation in Western Sahara, whereas Morocco might see little benefit in standing by Egypt if it feels that it has lost its stakes in the annexed territory. Neither Algeria nor Morocco is really a major determinant of politics in the Middle East, however.

Aside from a short-lived mediation effort by Saudi Arabia, the



Arab states of the Middle East have not become very actively involved in the Western Sahara dispute. Their abstention has tacitly supported the Moroccan case to be sure. Algeria has persisted in raising the matter nonetheless. During King Hussein's recent visit to Algiers, for example, the Algerians saw to it that the Jordanian monarch held talks with the Prime Minister of the RASD. While the Saharan conflict seems marginal to the major issues of Middle Eastern politics, the longer it festers the more likely it is that Polisario's international audience will grow and that other Arab states will be obliged to recognize that there is a problem.

Has United States policy taken accurate account of United States interests in dealing with this conflict now in its fourth year? It is widely assumed, in the Third World at least, that Secretary of State Kissinger "gave the green light" to Morocco and Mauritania to annex the territory in 1975. Who needed another newly independent Third World state in the United Nations?; and why cross Morocco, whose relative increase in strength vis-a-vis Algeria seemed geopolitically reasonable from an American point of view? Such may well have been our reasoning in 1975, but it rested upon the assumption of a swift Moroccan/Mauritanian fait accompli. When these countries proved unable to digest the chunks of territory that they had bitten off, the United States was faced by an unresolved, politically ambiguous situation.

The United States declared itself neutral regarding the competing claims. Neutrality tended to preserve the status quo of annexation/occupation by Moroccan and Mauritanian forces, which were in turn subjected to extreme harassment by Polisario. The military

pressure on Morocco gave salience to the issue of American arms sales to Rabat, on which the American government has vacillated. The United States has traditionally been one of Morocco's arms suppliers, but concerns arose over whether Moroccan requests for new arms shipments should be honored. The United States sought assurances that the weapons would not be used in Western Sahara. Morocco refused to make such a pledge. Early in 1978, the administration asked Congress to approve a \$100 million arms package, then partly because of Congressional resistance it changed its mind and the State Department undertook a long review of the wisdom of such a sale. Early this year under heavy pressure from King Hassan President Carter approved the sale of six heavy-lift Chinook military helicopters to Morocco. This was less than what Rabat was seeking, and the administration insisted that this single sale was not a precedent for others. Neutrality of this vacillatory nature has succeeded in displeasing both sides. The partial restraint on arms sales has not been firm enough to persuade Morocco to reconsider its position, but neither has our partial support been a deterrent to the other parties to the conflict. It has merely been one of the factors contributing to the prolongation of the conflict. The same might be said of American policy in general. Seeking to hedge our bets on all sides through neutrality, we have accepted the risk of escalation and prolonged the plight of the refugees who remain the foremost victims of the geopolitical struggle.

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There is evidence at present of considerable diplomatic maneuvering on several fronts. The testimony that the Committee will receive from the State Department should be more ample on these current



initiatives than one can glean from the press. The current round of diplomatic explorations in effect dates back to the overthrow of the Ould Daddah government in Mauritania a year ago. The early intimations that the new military regime wanted to liquidate the costly investment in Tiris el Gharbia (the annexed province), to which Polisario immediately responded by decreeing a cease-fire on the Mauritanian front, set this process tentatively in motion. It was slowed down by Hassan's blunt warning that he could not accept any hostile presence in the border region between Morocco and Mauritania (such as would result from a cession of Tiris el Gharbia from Mauritania to Polisario. But the process was not completely halted. It is thus pertinent to review the current position of the various actors implicated in the conflict: Spain, France, the Soviet Union, Libya, the United Nations, the OAU and finally of course, Mauritania, Morocco, and Algeria.

Spain has been embarrassed by the contentious epilogue to its colonial presence in the Sahara. The Spanish socialists some time ago came out in favor of the Sahraouis' right to self-determination, and more recently so did Prime Minister Suarez. During a visit to Algiers last May, he met with the Secretary-General of the Polisario Front. This move was probably more closely related to a desire for increased Spanish-Algerian commercial relations than to the Western Sahara conflict itself. Much the same can be said of King Juan Carlos's visit in June to Morocco in the course of which the Spaniards pleased the Moroccans by affirming that their "international responsibilities" regarding the territory were definitely terminated. King Hassan sought to circumscribe Spain's role even more by advising against even a mediatory role. Mediators, he is reported to have said, "always burn their tail feathers on one side or the other."<sup>3</sup> Spain is not likely

to initiate any major conciliatory effort, but under favorable circumstances, Prime Minister Suarez might risk singeing a feather or two to create the impression that Spain has acquitted itself of its moral responsibility toward a population that it governed for some ninety years.

Upon Spain's abdication, France became the most deeply involved external power. The overt military intervention of last year has been put back under wraps, however, since the coup d'etat in Mauritania. As far back as last August, President Giscard d'Estaing held talks with representatives of the three governments to explore the implications of the coup for a settlement. Central to current French policy is Giscard's desire to effect a rapprochement with the post-Boumediene government in Algeria. This led Giscard to acknowledge last February that there was an ongoing decolonization problem in Western Sahara, a step away from the pro-annexationist, though officially neutral, position of France to that time. Last month the new French Foreign Minister François-Poncet was in Algiers; his Algerian counterpart will soon visit Paris and there are rumors of an upcoming secret meeting between Giscard and Chadli Benjedid. It would appear at the minimum that France believes that a negotiated settlement is possible, presumably utilizing the good offices of the OAU (as discussed below), for the success of any Franco-Algerian entente turns in some part upon Algiers' perception of a more helpful French attitude toward the Saharan conflict.

The position of the Soviet Union has not significantly evolved. The Soviet Union is a major weapons supplier to Algeria. It is also



an important trading partner of Morocco since the spring 1978 agreement to cooperate in the exploitation of a new phosphate mine at Meskala. It has tried to balance these two interests by a policy that is almost the mirror-image of American policy.

Libya on the other hand may be becoming more actively committed to a pro-Polisario stance. Libyan policy has fluctuated over the years between warm support and mild indifference to Polisario. President Qaddafi was pursuing a vision of his own, the essence of which was a Mauritanian-Polisario accord the principal effect of which would be to separate Mauritania from its linkage to Morocco. About a year ago Qaddafi firmed up his alliance with Algeria in a common condemnation of French policy in Africa, whether in Chad or Western Sahara. This development was followed by the Mauritanian coup, and the Libyan leader sponsored talks between Polisario and the new Mauritanian leadership to no avail. Now he may discern the outlines of a settlement at variance with his particular conception; if there is a diplomatic deal in the works at present, Libya may encourage any hard-line faction within Polisario inclined to resist such a deal. But the geopolitics of such an endeavor would be more difficult than the Algerian-backed resistance, so Libya's leverage upon the situation seems relatively limited.

Algeria has seen to it that the United Nations remain seized of the issue. In its most recent airing in the General Assembly, ninety states voted in favor of a resolution calling for self-determination while only ten voted against. The vote, however, is less significant than the operational role that could fall to United Nations organs if the Moroccans could be persuaded to concur in an internationally

supervised referendum.

The OAU may prove to be the diplomatic instrument by which agreement on a referendum is fashioned. As implied by my characterization of the conflict as primarily an African issue, the OAU has been an important forum for diplomatic maneuvers. In 1976 and again in 1977, Algeria won approval of the principle of a special OAU summit meeting to consider the dispute, but no such summit has been held. In 1978 the OAU appointed an Ad Hoc Committee on Western Sahara, which will report to this year's summit conference which is about to meet in Monrovia. There are reports that the Committee will propose a settlement that Rabat and Algiers can agree upon. If so, the OAU will be acting as a facilitator, providing the institutional framework and the diplomatic cover for a compromise that might otherwise be hard to sell in one or another capital. The kind of compromise about which rumors have circulated involve the cession of some part of the former Spanish colony—presumably roughly the southern third, or Tiris el Gharbia, to Polisario. The question that comes to mind is whether Algeria and Polisario are ready to settle for this.

First, however, one can indicate briefly why this would appear acceptable to Mauritania and Morocco. The former clearly wants out. The situation in Nouakchott has been shaky ever since the coup, and there have been several recent changes. Ould Saleck, leader of the coup, has been forced out of power. A new Prime Minister, Ould Bouceïf, stated last May that Mauritania accepted self-determination and wanted talks with Polisario. Ould Bouceïf died in an accident, and has been replaced by Mahmoud Ould Louly, another military man but one reputed to be of a managerial bent. His role would appear to be to carry out a "southern third settlement." Although Morocco opposed this idea last year, it now appears willing to accept it. A settlement along these lines would not directly affect Morocco's chunk of the former Spanish pie. It seems quite a small price for Morocco to pay.



What about Algeria? Is Algeria, like Mauritania, weary of the commitment that it took on in 1975? Clearly the commitment has been a financial drain upon Algerian resources. It has not moreover had the same popular backing among Algerians that Hassan's <sup>policy</sup> has had among Moroccans. Algeria is interested in a settlement but not at any price. Prior to Boumediene's death, there were signs of a possible thaw, first in a message last October from the Algerian president to the Moroccan monarch and later in Moroccan assertions that Boumediene had agreed to a secret meeting with Hassan, a meeting that succumbed with the Algerian leader if this was in fact his intent. The delicate transitional period to the Benjedid presidency restored the chill, however, as various spokesmen reiterated Algeria's commitment to the Polisario cause.<sup>4</sup> Now there are renewed signs of a desire to explore the terms of a settlement, but what Algeria's negotiating goals are is unclear. In any case, Algeria is not so desperate for a solution as Mauritania.

Just how flexible, then, is Algeria? Its stakes, though not so high as Morocco's, are nonetheless considerable. They involve defense of a geopolitical interest (prevention of the extension southward of Moroccan power) and of a principle.\* As the *London Times* observed in the early days of the conflict, "interests do sometimes coincide with principle."<sup>5</sup> One must assume that the Algerians will not put this commitment aside lightly, but that they may be willing to entertain something less than Sahraoui independence over the entire ex-colony.

It would be wrong to assume that the Algerians feel that the burden of compromise is upon them. Just last month, the Algerian ambassador to the United States recapitulated the arguments in the case for self-determination in a letter

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\*Some observers perceive an economic interest, linked to a corridor to the Atlantic for the output of the Gara Djebilet iron mines (the terms of which might be better if Algeria were dealing with an independent Sahraoui state than with Morocco), but this seems secondary.

to the New York Times.<sup>6</sup> They see the burden to be on Morocco to provide some opportunity for the Sahraouis to vote under international supervision. The options probably must include more than the "southern third solution," but Algeria might, for example, acquiesce in a referendum which does not allow total independence as an immediate option for the entire territory. I suspect, in other words, that Algeria will not drop Polisario for a pittance, but that it is amenable to an arrangement that would allow Morocco to save face.

What should the United States be doing in light of the current situation? The moment does seem to be right to make progress. The major role in articulating the terms of a settlement should be vested in the OAU's Ad Hoc Committee. The United States, coordinating its efforts with those of France, should help to supply the Ad Hoc Committee with the political conditions that it needs for diplomatic success. These conditions I take to be greater flexibility on Morocco's part than the current rumors of a southern third settlement imply.

The United States and France can try to induce this flexibility by discreetly informing the Moroccan government that we shall not supply further military back-up support. This stiffening of our <sup>previous</sup> vacillatory posture, coupled if possible with an economic carrot, <sup>is</sup> necessary to convince Morocco that maintenance of the status quo (in the northern two-thirds) will cost more than it is worth. There is no benefit for the United States in encouraging Morocco to believe that it can prevail on its current terms. So long as Morocco tries, the war is likely to continue with the attendant dangers of escalation and greater US involvement. So too will the flouting of the principle of self-determination. Greater Moroccan flexibility on the other hand should open the door to a settlement that need not humiliate Hassan. Polisario could enlist Moroccan technical aid and pledge economic cooperation once the Sahraouis were no longer being denied the right of freely choosing their future.

The United States is certainly not threatened by an independent Sahraoui



state. It is threatened by the war. The precise terms of a settlement can be worked out by those directly involved. The United States can best facilitate that process by throwing its support squarely behind the principle of self-determination.

July 16, 1979

Haverford, PA

#### Notes

1. "Western Sahara: The Diplomatic Perspectives," Africa Report, March-April 1978.
2. The background regarding Algeria's African policy can be found in my "The Algerian Revolution in Search of the African Revolution," The Journal of Modern African Studies (Fall 1970).
3. Le Monde (Paris), June 19, 1979.
4. The transition is analyzed in my article "Algeria: Which Way Ahead?" Africa Report, May-June 1979.
5. The Times of London, November 11, 1975 as cited in John Mercer, The Sahrawis of Western Sahara (London: Minority Rights Group Report #40, 1979).
6. June 14, 1979.

## APPENDIX 4

QUESTIONS SUBMITTED IN WRITING TO THE DEPARTMENT OF STATE AND  
RESPONSES THERETO

1. According to the U.S. bilateral military agreement with Morocco of 1960, which we clarified to Morocco in 1977-78, no U.S. equipment can be sold or transferred from third countries to Morocco for use in the western Sahara. Still there are a number of problem areas that have been brought to the attention of the Subcommittees and in clarifying them I hope we can clarify U.S. arms sales policy to Morocco.

(a) We have received testimony (including some photos) and read reports that Morocco currently uses U.S.-origin military equipment in the western Sahara. These reports focus on F-5 planes, GMC trucks, 105 and 155 mm guns and ammunition, 81 mm ammunition, rocket launchers from Talley Industries in Arizona, 106 mm recoilless guns, machine gun ammunition, and Bell helicopters.

What U.S.-origin equipment is being used in the western Sahara and exactly what does our monitoring system consist of?

- A. In addition to the F-5s, commercially-purchased C-130 aircraft and commercially-purchased U.S. trucks and jeeps are used in the western Sahara. It is possible that some commercially-purchased U.S. radios are also being used. 106 mm recoilless rifles, purchased from other western countries such as Spain as well as the U.S., are used by Moroccan forces in the Sahara and in Morocco proper. However, we do not know for certain whether those guns used in the Sahara are of U.S. manufacture. Some U.S. ammunition of various sorts, interchangeable with that provided by other suppliers, may be used in the Sahara.

Certain U.S. equipment is located in southern Morocco and available for use in that part of Morocco proper, for example, 105 mm howitzers, M-113 armored personnel carriers, and TOW and Dragon anti-tank missile systems. This material is not so far as we know used in the western Sahara. Some 105 mm howitzers have been captured by the Polisario, reportedly in Morocco proper. No U.S. produced 155 mm self-propelled guns are used in the Sahara. There are no U.S.-manufactured Bell

helicopters in Morocco. Agusta-Bell 206 helicopters manufactured in Italy and sold to the Moroccans in past years by the Italians are used in the Sahara. Six Chinook helicopters manufactured in Italy under license and delivered in the spring/summer of 1979 are not being used in the Sahara.

The U.S. Embassy in Rabat follows the use of U.S. equipment in Morocco and in the western Sahara. Morocco makes no secret of the use of major items of equipment there. In the case of some guns and ammunition noted above, U.S. materiel is virtually identical to that obtained from other western suppliers, who impose no restrictions on its use, and we have no means of determining exact amounts of U.S. materiel included in that used in the Sahara.

(b) We are supplying through FMS spare parts and ammunition for F-5s which are apparently being used in the western Sahara contrary to the bilateral accord and constitute Morocco's major air weapon against Polisario.

What is the rationale of this supply? Will we continue it? Is there other U.S.-origin equipment used in the western Sahara that we may refurbish with spare parts and ammunition in the future?

- A. In April, following consultations with Congress, we approved FMS cash sales of \$3 million worth of munitions and \$2.8 million worth of spare parts and support equipment for Moroccan F-5 aircraft.

We agreed to supply those items because of our long-standing defense supply relationship with Morocco, which serves the interests of both countries. The F-5 is Morocco's only operational fighter and therefore plays a crucial role in the defense of Morocco proper. We provided F-5s for this purpose, and it is only reasonable that we continue to sell spares and munitions for them.

Subject to congressional consultations, we would expect to continue such sales.



There is so little demonstrably U.S. origin-equipment currently in the western Sahara, most of which can be resupplied through U.S. commercial purchases or foreign sources, that the question of U.S. Government refurbishment is not critical.

(c) Why did we permit Morocco to buy (through Italy) Boeing CH-47 Chinook heavy duty helicopters, contracted only last February, when it is widely believed they will be used in the western Sahara against the bilateral accord?

- A. Early this year we approved delivery of six CH-47 helicopters manufactured by the Italian firm of Aeritalia under license from Boeing. These are unarmed, transport helicopters for which Morocco has a need irrespective of the fighting in the Sahara. The contract for this commercial sale was signed in December 1977, before we had decided to disapprove the sale of new weapons systems manufactured in the United States for use in the western Sahara. Neither Morocco nor the manufacturer had any reason at the time to believe we might object to the sale.

(d) We have approved sales presentation to Morocco of Northrop's surveillance and detection system with sensors in Southern Morocco and communications links to both Morocco and western Sahara.

What would the communications link to the western Sahara be used for? Could Morocco move the sensors to the western Sahara? Would the technology obtained help Morocco to get the know-how to install sensors in the western Sahara and buy the components on the international market?

- A. As the committee is aware, Northrop Page initially proposed an intrusion-detection and communications system which would have placed detection elements in the Moroccan portion of the western Sahara. We disapproved this proposal in early 1979. The revised proposal which we approved eliminates all detection units from the western Sahara. We specified in addition that no items on the Munitions list can be used in the western Sahara for this project. As the Congress is aware, this list has its origins in U.S. desire many years ago to remain neutral in conflicts then underway.

If Morocco decides to go ahead with the project, it will probably use the communications links to the western Sahara for military purposes. We understand, however, that it would not be able easily to transfer the sensors from the southern part of Morocco proper to the western Sahara. Once the sensors are installed, they are very difficult to recover. Morocco might be able to use the systems design information obtained from Northrop-Page to install internationally-purchased sensors in the western Sahara, but it could in any case purchase the entire system on the international market.

(e) What equipment do you plan to provide Morocco through FMS, FMS credits and licensing of foreign sales of U.S.-origin equipment in FY 1979 and 1979 and 1980?

- Could proposed aerial tankers be used in the future to supply F-1 Mirages on order from France in the western Sahara?
- Is Morocco's request for OV-10 reconnaissance planes and Cobra helicopters still under consideration?

- A. Morocco used the \$45 million FMS credit available to it for FY 79 to make payments due on the Westinghouse air defense radar system and on the previously contracted Vulcan anti-aircraft gun. We have signed no agreements with Morocco in FY 79 for new sales of weapons systems under the FMS sales program. Total FMS sales through the end of March 1979, the first six months of FY 1979, were \$3.3 million and covered spare parts, munitions and support equipment.

We have had no discussions with Morocco about use of its FY 80 FMS credit. It will have additional payments due on the Westinghouse Air Defense Radar and on previously contracted equipment. New sales will depend in part on the outcome of congressional consultations now underway.

We have approved provision of technical data to Morocco on three aerial refueling tanker systems, which would be for use with the Mirage F-1 interceptor aircraft which Morocco is buying but which

are not yet operational. Morocco is interested in acquiring this capability to enable the Mirage to remain aloft for longer time periods to protect Moroccan territory. In view of the considerable air superiority of Algeria, Morocco considers its air defenses an important element of national security. Our agreement to provide data on the tanker aircraft reflects our view that the Moroccans have an evident need for such an aircraft. We would wish to take into account Congressional views before making a final decision on the transfer of the actual tanker aircraft. We would at that time again assess the possibility of use of the tankers in the western Sahara--a possibility which appears slight now given the expense and risk inherent in using in a ground attack role sophisticated aircraft designed as interceptors.

In March 1978 we decided that we would not proceed at that time with the Moroccan request for OV-10 and Cobra/TOW aircraft.

(f) Do we have a different policy with regard to provision of military equipment via FMS, FMS credits and approval of third country transfers that is related to the western Sahara?

- A. We are legally able to approve third country transfers only when we find it possible to approve a direct sale. Items sold under the FMS sales program whether on a cash or credit basis must meet applicable statutory presidential arms transfer policy criteria.

(g) Can you illustrate any differences between equipment "suitable" for the western Sahara which is formally excluded in current policy and equipment that could be used there. Why don't we use the latter expression?

- A. We have considered that almost any item of equipment could, in certain circumstances, be used in the western Sahara. Even a ship could bombard the shore. However, it would not normally be considered "suitable" for use in the western Sahara.



## APPENDIX 5

## MOST RECENT AND PREVIOUS U.N. RESOLUTIONS ON THE WESTERN SAHARA

33/31. Question of Western Sahara

Date: 13 December 1978

Meeting: 81

Votes: A - 90-10-39 (recorded)

Report: A/33/460 and Corr.1

B - 66-30-40 (recorded)

C - 3-3-3

D - 18-18-18

A

The General Assembly.Having considered the question of Western Sahara,Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,Having considered the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 6/Having heard the statements on the subject of Western Sahara, including the statements by the representative of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, 7/Recalling the conclusions of the 1975 United Nations Visiting Mission to Western Sahara, 8/Recalling the advisory opinion delivered by the International Court of Justice on 16 October 1975 9/ on the question of Western Sahara, particularly in relation to the principle of the right of the people of Western Sahara to self-determination,Bearing in mind the profound concern of the United Nations, the Organization of African Unity and the non-aligned countries regarding the decolonization of Western Sahara and the right of the people of that Territory to self-determination,Recalling its resolution 32/19 of 11 November 1977 regarding co-operation between the United Nations and the Organization of African Unity,Recalling the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its thirteenth ordinary session, held at Fort Louis from 2 to 6 July 1976, to hold an extraordinary session devoted to the question of Western Sahara, 10/Taking note of the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its fifteenth ordinary session, held at Chartoum from 18 to 22 July 1978, to establish an *ad hoc* committee of Heads of State to consider all the data on the question of Western Sahara, including the exercise of the right of the people of that Territory to self-determination, 11/Reiterating its fervent hope that, by the time of the thirty-fourth session of the General Assembly, the Organization of African Unity will have found, pursuant to the resolutions and decisions which it adopted at its thirteenth 10/ fourteenth 12/ and fifteenth 11/ ordinary sessions on the question of Western Sahara, a solution to this problem in accordance with the right of peoples to self-determination set forth in resolution 1514 (XV),Welcoming the unilateral cease-fire decision taken on 12 July 1978 by the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, with a view to promoting a drive towards peace in Western Sahara,1. Reaffirms its commitment to the principle of self-determination of peoples in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples;2. Reaffirms the inalienable right of the people of Western Sahara to self-determination and independence;

5/ A/33/23/Add.3 and Corr.1, chap. IX.

2/ A/C.4/33/SR.22, paras. 78-93, and A/C.4/33/SR.30. See also A/C.4/33/L.22 and L.31.

3/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 23 (A/1002/Rev.1), vol. III, chap. XIII, para. 11.3/ Western Sahara, Advisory Opinion, I.C.J. Reports 1975, p. 12. For the note of transmittal to the members of the General Assembly, see A/10300.10/ See A/31/136-S/12141, annex II, resolution ANG/Res.81 (XIII). For the printed text see Official Records of the Security Council, Thirty-first Year, Supplement for July, August and September 1976.

11/ A/33/235 and Corr.1, annex II, resolution ANG/Res.92 (XV).

12/ A/32/310, annex II, ANG/Dec.110 (XIV).

3. Reaffirms the responsibility of the United Nations with regard to the decolonization of Western Sahara, in accordance with the principles of the Charter of the United Nations and of the Declaration;

4. Recommends the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Territories to continue to keep developments in this matter under active review with a view to the full and speedy implementation of General Assembly resolution 1514 (XV) and to report thereon to the Assembly at its thirty-fourth session;

5. Requests the Administrative Secretary-General of the Organization of African Unity to keep the Secretary-General of the United Nations informed of the progress achieved with regard to the implementation of the decisions of the Organization of African Unity concerning Western Sahara;

6. Invites the Secretary-General to submit a report on the question of Western Sahara to the General Assembly at its thirty-fourth session.

The General Assembly,

Recalling its resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Recalling its relevant resolutions and those of the Organization of African Unity concerning the question of Western Sahara,

Considering the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its thirteenth ordinary session, held at Port Louis from 2 to 6 July 1976, to hold an extraordinary session devoted to the question of Western Sahara, 13/

Considering also the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its fifteenth ordinary session, held at Khartoum from 18 to 22 July 1978, to establish an ad hoc committee of Heads of State to consider all the data on the question of Western Sahara, 14/

Recalling the part of the Political Declaration adopted by the Fifth Conference of Heads of State and Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976, relating to Western Sahara, 15/

Taking note of the appeal addressed to States Members of the United Nations by the current Chairman of the Organization of African Unity, 16/

Recalling its resolution 42/12 of 11 November 1977, regarding co-operation between the United Nations and the Organization of African Unity,

1. Takes note of the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its fifteenth ordinary session to establish an ad hoc committee of Heads of State;

2. Expresses its confidence that the ad hoc committee will consider all the data on the question of Western Sahara with a view to convening an extraordinary summit meeting of the Organization of African Unity;

3. Invites the Organization of African Unity to take prompt action to find a just and equitable settlement of the question of Western Sahara;

13/ See A/31/136-S/12141, annex II, resolution AHG/Res.81 (XIII). For the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for July, August and September 1976.

14/ A/33/235 and Corr.1, annex II, resolution AHG/Res.92 (XV).

15/ A/31/197, annex I, para. 35.

16/ See the letter dated 7 November 1978 from the Permanent Representative of the Sudan (A/33/3641).

4. Appeals to all States in the region to refrain from any action that might impede the efforts of the Organization of African Unity to arrive at a just and peaceful solution of the problem.

5. Requests the Administrative Secretary-General of the Organization of African Unity to inform the Secretary-General of the United Nations of the results achieved by the *ad hoc* committee and invites the Secretary-General of the United Nations to report thereon to the General Assembly.

# RECORDED VOTE ON RESOLUTION 33/31 A\*

## YES - ABSTAIN - NO

Afghanistan .....  
 Albania .....  
 Algeria .....  
 Angola .....  
 Argentina .....  
 Australia .....  
 Austria .....  
 Bahamas .....  
 Bahrain .....  
 Bangladesh .....  
 Barbados .....  
 Belgium .....  
 Benin .....  
 Bolivia .....  
 Botswana .....  
 Brazil .....  
 Bulgaria .....  
 Burkina Faso .....  
 Burundi .....  
 Cambodia .....  
 Cameroon .....  
 Canada .....  
 Cape Verde .....  
 Central African Rep. ....  
 Chad .....  
 Chile .....  
 China .....  
 Colombia .....  
 Comoros .....  
 Congo .....  
 Costa Rica .....  
 Cuba .....  
 Cyprus .....  
 Czechoslovakia .....  
 Democratic Kampuchea .....  
 Democratic Yemen .....  
 Denmark .....

## YES - ABSTAIN - NO

Djibouti .....  
 Dominican Republic .....  
 Ecuador .....  
 Egypt .....  
 El Salvador .....  
 Equatorial Guinea .....  
 Ethiopia .....  
 Fiji .....  
 Finland .....  
 France .....  
 Gabon .....  
 Gambia .....  
 German Dem. Rep. ....  
 Germany, Fed. Rep. ....  
 Ghana .....  
 Greece .....  
 Grenada .....  
 Guatemala .....  
 Guinea .....  
 Guinea-Bissau .....  
 Guyana .....  
 Haiti .....  
 Honduras .....  
 Hungary .....  
 Iceland .....  
 India .....  
 Indonesia .....  
 Iran .....  
 Iraq .....  
 Ireland .....  
 Israel .....  
 Italy .....  
 Ivory Coast .....  
 Jamaica .....  
 Japan .....  
 Jordan .....  
 Kenya .....

## YES - ABSTAIN - NO

Kuwait .....  
 Lao Peoples Dem. Rep. ....  
 Lebanon .....  
 Lesotho .....  
 Liberia .....  
 Libyan Arab Jamahiriya .....  
 Luxembourg .....  
 Madagascar .....  
 Malawi .....  
 Malaysia .....  
 Maldives .....  
 Mali .....  
 Malta .....  
 Mauritania .....  
 Mauritius .....  
 Mexico .....  
 Mongolia .....  
 Morocco .....  
 Mozambique .....  
 Nepal .....  
 Netherlands .....  
 New Zealand .....  
 Nicaragua .....  
 Niger .....  
 Nigeria .....  
 Norway .....  
 Oman .....  
 Pakistan .....  
 Panama .....  
 Papua New Guinea .....  
 Paraguay .....  
 Peru .....  
 Philippines .....  
 Poland .....  
 Portugal .....  
 Qatar .....  
 Romania .....

## YES - ABSTAIN - NO

Rwanda .....  
 Senegal .....  
 Sao Tome and Principe .....  
 Saudi Arabia .....  
 Senegal .....  
 Sierra Leone .....  
 Singapore .....  
 Solomon Islands .....  
 Somalia .....  
 South Africa .....  
 Spain .....  
 Sri Lanka .....  
 Sudan .....  
 Suriname .....  
 Swaziland .....  
 Sweden .....  
 Syrian Arab Republic .....  
 Thailand .....  
 Togo .....  
 Trinidad and Tobago .....  
 Tunisia .....  
 Turkey .....  
 Uganda .....  
 Ukrainian SSR .....  
 USSR .....  
 United Arab Emirates .....  
 United Kingdom .....  
 U.S. Rep. of Cameroon .....  
 U.S. Rep. of Tanzania .....  
 United States .....  
 Upper Volta .....  
 Uruguay .....  
 Venezuela .....  
 Viet Nam .....  
 Yemen .....  
 Yugoslavia .....  
 Zaire .....  
 Zambia .....

\* Later advised the Secretariat it had intended to vote against.



RECORDED VOTE ON RESOLUTION 33/31 B<sup>a</sup>

## YES - ABSTAIN - NO

Afghanistan .....  
 Albania .....  
 Algeria .....  
 Angola .....  
 Argentina .....  
 Australia .....  
 Austria .....  
 Bahamas .....  
 Bahrain .....  
 Bangladesh .....  
 Barbados .....  
 Belgium .....  
 Benin .....  
 Bhutan .....  
 Bolivia .....  
 Botswana .....  
 Brazil .....  
 Bulgaria .....  
 Burma .....  
 Burundi .....  
 Byelorussia SSR .....  
 Canada .....  
 Cape Verde .....  
 Central African Rep. ....  
 Chad .....  
 Chile .....  
 China .....  
 Colombia .....  
 Comoros .....  
 Congo .....  
 Costa Rica .....  
 Cuba .....  
 Cyprus .....  
 Czechoslovakia .....  
 Democratic Kampuchea .....  
 Democratic Yemen .....  
 Denmark .....

## YES - ABSTAIN - NO

Djibouti .....  
 Dominican Republic .....  
 Ecuador .....  
 Egypt .....  
 El Salvador .....  
 Equatorial Guinea .....  
 Ethiopia .....  
 Fiji .....  
 Finland .....  
 France .....  
 Gabon .....  
 Gambia .....  
 German Dem. Rep. ....  
 Germany, Fed. Rep. ....  
 Ghana .....  
 Greece .....  
 Grenada .....  
 Guatemala \*\* .....  
 Guinea .....  
 Guinea-Bissau .....  
 Guyana .....  
 Haiti .....  
 Honduras .....  
 Hungary .....  
 Iceland .....  
 India .....  
 Indonesia .....  
 Iran .....  
 Iraq .....  
 Ireland .....  
 Israel .....  
 Italy .....  
 Ivory Coast .....  
 Jamaica .....  
 Japan .....  
 Jordan .....  
 Kenya .....

## YES - ABSTAIN - NO

Kuwait .....  
 Lao Peoples Dem. Rep. ....  
 Lebanon .....  
 Lesotho .....  
 Liberia .....  
 Libyan Arab Jamahiriya .....  
 Luxembourg .....  
 Madagascar .....  
 Malawi .....  
 Malaysia .....  
 Maldives .....  
 Mali .....  
 Malta .....  
 Mauritania .....  
 Mauritius .....  
 Mexico .....  
 Mongolia .....  
 Morocco .....  
 Mozambique .....  
 Nepal .....  
 Netherlands .....  
 New Zealand .....  
 Nicaragua .....  
 Nigeria .....  
 Norway .....  
 Oman .....  
 Pakistan .....  
 Panama .....  
 Papua New Guinea .....  
 Paraguay .....  
 Peru .....  
 Philippines .....  
 Poland .....  
 Portugal .....  
 Qatar .....  
 Romania .....

## YES - ABSTAIN - NO

Rwanda .....  
 Samoa .....  
 Sao Tome and Principe .....  
 Saudi Arabia .....  
 Senegal .....  
 Seychelles .....  
 Sierra Leone .....  
 Singapore .....  
 Solomon Islands .....  
 Somalia .....  
 South Africa .....  
 Spain .....  
 Sri Lanka .....  
 Sudan .....  
 Suriname .....  
 Swaziland .....  
 Sweden .....  
 Syrian Arab Republic .....  
 Thailand .....  
 Togo .....  
 Trinidad and Tobago .....  
 Tunisia .....  
 Turkey .....  
 Uganda .....  
 Ukrainian SSR .....  
 USSR .....  
 United Arab Emirates .....  
 United Kingdom .....  
 Un. Rep. of Cameroon .....  
 Un. Rep. of Tanzania .....  
 United States .....  
 Upper Volta .....  
 Uruguay .....  
 Venezuela .....  
 Viet Nam .....  
 Yemen .....  
 Yugoslavia .....  
 Zaire .....  
 Zambia .....

\* Later advised the Secretariat it had intended to vote in favour.

\*\* Later advised the Secretariat it had intended to vote against.

17/ A/33/23 (Part II), chap. III, and A/33/23/Add.4, chap. XIX.

## 2229 (XXI). Question of Ifni and Spanish Sahara

*The General Assembly,*

*Having examined* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territories of Ifni and Spanish Sahara,

*Having taken note* of the oral and written statements of the petitioners from Spanish Sahara,

*Recalling* its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling further* the resolution adopted on 16 October 1964 by the Special Committee,

*Reaffirming* its resolution 2072 (XX) of 16 December 1965,

*Noting* that the Spanish Government, as the administering Power, has not as yet applied the provisions of the Declaration,

*Having regard* to the decision taken by the Assembly of Heads of State and Government of the Organization of African Unity at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966, concerning the Territories under Spanish administration,

*Noting* the decision of the administering Power to apply in full the provisions of General Assembly resolution 2072 (XX), -

*Noting further* the statement of the administering Power on 7 December 1966 relating to Spanish Sahara, in particular with regard to the sending of a special United Nations mission to the Territory, the return of exiles and the free exercise by the indigenous population of its right to self-determination,

1. *Reaffirms* the inalienable right of the peoples of Ifni and Spanish Sahara to self-determination in accordance with General Assembly resolution 1514 (XV);

2. *Approves* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territories of Ifni and Spanish Sahara, and endorses the resolution adopted by the Special Committee on 16 November 1966,

3. *Requests* the administering Power to take immediately the necessary steps to accelerate the decolonization of Ifni and to determine with the Government of Morocco, bearing in mind the aspirations of the indigenous population, procedures for the transfer of powers in accordance with the provisions of General Assembly resolution 1514 (XV);

4. *Invites* the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination and, to this end:

(a) To create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis, by permitting, *inter alia*, the return of exiles to the Territory;

(b) To take all the necessary steps to ensure that only the indigenous people of the Territory participate in the referendum;

(c) To refrain from any action likely to delay the process of the decolonization of Spanish Sahara;

(d) To provide all the necessary facilities to a United Nations mission so that it may be able to participate actively in the organization and holding of the referendum;

5. *Requests* the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately a special mission to be sent to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant resolutions of the General Assembly, and in particular for determining the extent of United Nations participation in the preparation and supervision of the referendum and submitting a report to him as soon as possible for transmission to the Special Committee;

6. *Requests* the Special Committee to continue its consideration of the situation in the Territories of Ifni and Spanish Sahara and to report thereon to the General Assembly at its twenty-second session.

1500th plenary meeting,  
20 December 1966.



## 2354 (XXII). Question of Ifni and Spanish Sahara

*The General Assembly,*

*Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territories of Ifni and Spanish Sahara,*

*Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,*

*Recalling also the resolution adopted on 16 October 1964 by the Special Committee,*

*Reaffirming its resolutions 2072 (XX) of 16 December 1965 and 2229 (XXI) of 20 December 1966,*

*Noting that the Spanish Government, as the administering Power, has not yet applied the provisions of resolution 1514 (XV),*

*Recalling the decision concerning the Territories under Spanish administration taken by the Assembly of Heads of State and Government of the Organization of African Unity at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966,*

*Noting the statement of the administering Power that a high-level dialogue had already begun between the Governments of Morocco and Spain concerning Ifni,*

*Noting further the statement made by the administering Power on 7 December 1966 relating to Spanish Sahara,<sup>24</sup> in particular with regard to the sending of a special United Nations mission to the Territory, the return of exiles and the free exercise by the indigenous population of its right to self-determination,*

*Considering the consensus adopted by the Special Committee at its meeting of 14 September 1967, -*

• • • • •

## II

1. *Reaffirms* the inalienable right of the people of Spanish Sahara to self-determination in accordance with General Assembly resolution 1514 (XV);

2. *Approves* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Spanish Sahara and endorses the consensus adopted by the Special Committee on 14 September 1967;

3. *Invites* the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination, and, to this end:

(a) To create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis by permitting, *inter alia*, the return of exiles to the Territory;

(b) To take all the necessary steps to ensure that only the indigenous people of the Territory participate in the referendum;

(c) To refrain from any action likely to delay the process of the decolonization of Spanish Sahara;

(d) To provide all the necessary facilities to a United Nations mission so that it may be able to participate actively in the organization and holding of the referendum;

4. *Requests* the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately the special mission provided for in paragraph 5 of General Assembly resolution 2229 (XXI) and to expedite its dispatch to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant General Assembly resolutions, and in particular for determining the extent of United Nations participation in the preparation and supervision of the referendum and submitting a report to him as soon as possible for transmission to the Special Committee;

5. *Requests* the Special Committee to continue its consideration of the situation in the Territory of Spanish Sahara and to report thereon to the General Assembly at its twenty-third session.

1641st plenary meeting,  
19 December 1967.

## 2428 (XXIII). Question of Ifni and Spanish Sahara

### *The General Assembly,*

*Having examined* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territories of Ifni and Spanish Sahara,

*Recalling* its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling also* the resolution adopted on 16 October 1964 by the Special Committee,

*Reaffirming* its resolutions 2072 (XX) of 16 December 1965 and 2229 (XXI) of 20 December 1966,

*Noting* that the Government of Spain, as the administering Power, has not yet applied the provisions of resolution 1514 (XV),

*Recalling* the decision concerning the Territories under Spanish administration taken by the Assembly of Heads of State and Government of the Organization of African Unity at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966,

*Reaffirming* its resolution 2354 (XXII) of 19 December 1967,

*Noting* the statement made by the administering Power on 7 December 1966 relating to Spanish Sahara, particularly with respect to the sending of a special mission of the United Nations to this Territory, the return of exiles and the free exercise by the indigenous population of its right to self-determination,

*Noting further* the statement made by the Permanent Representative of the administering Power on 29 November 1968, according to which an official Spanish delegation would leave in the immediate future for Rabat with a view to signing a treaty with the Government of Morocco on the transfer forthwith of the Territory of Ifni to Morocco,

*Noting* the difference in nature of the legal status of these two Territories, as well as the processes of decolonization envisaged by General Assembly resolution 2354 (XXII) for these Territories,

. . . . .



## II

## SPANISH SAHARA

1. *Reaffirms* the inalienable right of the people of Spanish Sahara to self-determination in accordance with General Assembly resolution 1514 (XV);

2. *Approves* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Spanish Sahara;

3. *Invites* the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination and, to this end:

(a) To create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis by permitting, *inter alia*, the return of exiles to the Territory;

(b) To take all the necessary steps to ensure that only the indigenous people of the Territory participate in the referendum;

(c) To refrain from any action likely to delay the process of the decolonization of Spanish Sahara;

(d) To provide all the necessary facilities to a United Nations mission so that it may be able to participate actively in the organization and holding of the referendum;

4. *Requests* the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately the special mission provided for in paragraph 5 of General Assembly resolution 2229 (XXI) and to expedite its dispatch to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant General Assembly resolutions, and in particular for determining the extent of United Nations participation in the preparation and supervision of the referendum and submitting a report to him for transmission to the General Assembly at its twenty-fourth session;

5. *Requests* the Special Committee to continue its consideration of the situation in the Territory of Spanish Sahara and to report thereon to the General Assembly at its twenty-fourth session.

1747th plenary meeting,  
18 December 1968.

## 2591 (XXIV). Question of Spanish Sahara

*The General Assembly,*

*Having examined* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of the so-called Spanish Sahara,

*Recalling* its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling also* the decision concerning the Territories under Spanish administration taken by the Assembly of Heads of State and Government of the Organization of African Unity at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966,

*Reaffirming* its resolutions 2072 (XX) of 16 December 1965, 2229 (XXI) of 20 December 1966, 2354 (XXII) of 19 December 1967 and 2428 (XXIII) of 18 December 1968,

1. *Reaffirms* the inalienable right of the people of the so-called Spanish Sahara to self-determination in accordance with General Assembly resolution 1514 (XV);

2. *Approves* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of the so-called Spanish Sahara;

3. *Regrets* that it has not yet been possible for the consultations to take place which the administering Power was to conduct in connexion with the holding of a referendum in the so-called Spanish Sahara;

4. *Again invites* the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of the so-called Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination and, to this end;

(a) To create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis by permitting, *inter alia*, the return of exiles to the Territory;

(b) To take all the necessary steps to ensure that only the indigenous people of the Territory participate in the referendum;

(c) To comply with the resolutions of the General Assembly on the activities of foreign economic and other interests operating in colonial countries and Territories and to refrain from any action likely to delay the process of the decolonization of the so-called Spanish Sahara;

(d) To provide all the necessary facilities to a United Nations mission so that it may be able to participate actively in the organization and holding of the referendum;

5. *Requests* the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately the special mission provided for in paragraph 5 of General Assembly resolution 2229 (XXI) and to expedite its dispatch to the so-called Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant General Assembly resolutions, and in particular for determining the extent of United Nations participation in the preparation and supervision of the referendum and submitting a report to the Secretary-General for transmission to the General Assembly at its twenty-fifth session;

6. *Requests* the Special Committee to continue its consideration of the situation in the Territory of the so-called Spanish Sahara and to report thereon to the General Assembly at its twenty-fifth session.

1835th plenary meeting,  
16 December 1969.



## 2711 (XXV). Question of Spanish Sahara

*The General Assembly,*

*Having examined* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Spanish Sahara,

*Recalling* its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling also* the relevant provisions of its resolution 2621 (XXV) of 12 October 1970 containing the programme of action for the full implementation of the Declaration,

*Taking into consideration* the resolutions adopted, respectively, by the Assembly of Heads of State and Government of the Organization of African Unity at its seventh ordinary session, held at Addis Ababa from 1 to 3 September 1970, and by the Third Conference of Heads of State or Government of Non-Aligned Countries, held at Lusaka from 8 to 10 September 1970,

*Reaffirming* its resolutions 2072 (XX) of 16 December 1965, 2229 (XXI) of 20 December 1966, 2354 (XXII) of 19 December 1967, 2428 (XXIII) of 18 December 1968 and 2591 (XXIV) of 16 December 1969,

1. *Reaffirms* the inalienable right of the people of the Sahara to self-determination in accordance with General Assembly resolution 1514 (XV);

2. *Approves* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Spanish Sahara;

3. *Expresses its regret* that it has not yet been possible for the consultations to take place which the administering Power was to conduct with the Governments concerned in connexion with the holding of a referendum in the Territory;

4. *Declares* that the continued existence of a colonial situation in the Territory retards stability and harmony in north-west Africa;

5. *Regrets* the incidents of bloodshed which occurred in the Territory in June 1970 and calls upon

the Spanish Government, in conformity with its obligations and its responsibility as administering Power, to take effective measures to create the atmosphere of *détente* required for the orderly holding of the referendum as defined by the relevant resolutions of the General Assembly;

6. *Repeats* its invitation to the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of the Territory and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Sahara to exercise freely its right to self-determination and, to this end:

(a) To create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis by permitting, *inter alia*, the return of all exiles to the Territory;

(b) To take all the necessary steps to ensure that only the indigenous people of the Territory participate in the referendum;

(c) To comply with the resolutions of the General Assembly on the activities of foreign economic, financial and other interests operating in colonial countries and territories and to refrain from any action likely to delay the process of decolonization of the Territory;

(d) To receive a United Nations mission and to provide it with all the necessary facilities so that it may be able to participate actively in the organization and holding of the referendum, in accordance with General Assembly resolution 2591 (XXIV);

7. *Invites* all States to refrain from making investments in the Territory in order to speed the achievement of self-determination by the people of the Sahara;

8. *Reaffirms* that it recognizes the legitimacy of the struggle being waged by the colonial peoples for the exercise of their right to self-determination and to freedom of choice, and calls upon all States to provide them with all necessary assistance;

9. *Urges* the administering Power to respect and to implement scrupulously the provisions of the relevant resolutions of the General Assembly relating to the free consultation of peoples under United Nations auspices and guarantees and in conformity with the principles of the Charter of the United Nations which define the conditions for the free consultation of peoples with a view to their self-determination;

10. *Requests* the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately the special mission provided for in paragraph 5 of General Assembly resolution 2229 (XXI) and to expedite its dispatch to the Sahara in order to recommend practical steps for the full implementation of the relevant resolutions of the General Assembly, in particular to confirm United Nations participation in the preparation and supervision of the referendum and to submit a report to the Secretary-General for transmission to the Assembly at its twenty-sixth session;

11. *Requests* the Special Committee to continue its consideration of the situation in the Territory and to report thereon to the General Assembly at its twenty-sixth session.

*1929th plenary meeting,  
14 December 1970.*



## 2983 (XXVII). Question of Spanish Sahara

*The General Assembly,*

*Having examined* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Spanish Sahara,

*Recalling* its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling also* the relevant provisions of its resolution 2621 (XXV) of 12 October 1970 containing the programme of action for the full implementation of the Declaration,

*Taking into consideration* the relevant resolutions adopted by the Ninth Assembly of Heads of State and Government of the Organization of African Unity, held at Rabat, Morocco, from 12 to 15 June 1972, and by the Conference of Foreign Ministers of Non-Aligned Countries, held at Georgetown, Guyana, from 8 to 12 August 1972,

*Having regard* to the decision of the Heads of State of the countries concerned, adopted at the Conference held at Nouadhibou, Mauritania, on 14 September 1970, to intensify their co-operation in a positive manner in order to hasten the liberation of so-called Spanish Sahara,

*Reaffirming* its resolutions 2072 (XX) of 16 December 1965, 2229 (XXI) of 20 December 1966, 2354 (XXII) of 19 December 1967, 2428 (XXIII) of 18 December 1968, 2591 (XXIV) of 16 December 1969 and 2711 (XXV) of 14 December 1970,

*Deploing* that the administering Power has not provided sufficiently clear information on the conditions and time-table it intends to apply in bringing about the complete decolonization of the Territory,

1. *Reaffirms* the inalienable right of the people of the Sahara to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

2. *Reaffirms* the legitimacy of the struggle of colonial peoples and its solidarity with, and support for, the people of the Sahara in the struggle they are waging in order to exercise their right to self-determination and independence, and requests all States to give them all necessary moral and material assistance in that struggle;

3. *Declares* that the continued existence of a colonial situation in the Territory is endangering stability and harmony in north-west Africa;

4. *Expresses* its support for, and solidarity with, the people of the Sahara, and calls upon the Government of Spain, in conformity with its obligations and its responsibility as the administering Power, to take effective measures to create the necessary conditions for the free exercise of their right to self-determination and independence;

5. *Repeats* its invitation to the administering Power to determine, in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices to enable the indigenous population of the Sahara to exercise freely its right to self-determination and independence and, to this end, invites the Government of Spain:

(a) To create a favourable political climate for the referendum to be conducted on an entirely free, democratic and impartial basis by permitting, *inter alia*, the return of political exiles to the Territory;

(b) To take all the necessary steps to ensure that only the indigenous inhabitants exercise their right to self-determination and independence, with a view to the decolonization of the Territory;

(c) To receive a United Nations mission and provide it with all the necessary facilities so that it can participate actively in the implementation of measures making it possible to put an end to the colonial situation in the Territory;

6. *Invites* all States to comply with the resolutions of the General Assembly on the activities of foreign economic and financial interests and to refrain from helping to perpetuate the colonial situation in the Territory by means of investments;

7. *Reaffirms* the responsibility of the United Nations in all consultations intended to lead to the free expression of the wishes of the people;

8. *Urges* the administering Power to respect and to implement scrupulously, under the auspices and guarantee of the United Nations, the provisions of the relevant resolutions of the General Assembly relating to the decolonization of so-called Spanish Sahara;

9. *Requests* the Secretary-General, in consultation with the administering Power and the Special Committee on the Situation with regard to the Implementa-

tion of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to appoint immediately the special mission provided for in paragraph 5 of General Assembly resolution 2229 (XXI) and to expedite its dispatch to the Sahara in order to recommend practical steps for the full implementation of the relevant resolutions, and, in particular, to confirm United Nations participation in the preparation and supervision of the referendum and to submit a report to the Secretary-General for transmission to the Assembly at its twenty-eighth session;

10. *Calls upon* the Special Committee to continue its consideration of the situation in the Territory and to report thereon to the General Assembly at its twenty-eighth session.

*2110th plenary meeting  
14 December 1972*

### 3162 (XXVIII). Question of Spanish Sahara

#### *The General Assembly,*

*Having examined* the chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of the Sahara under Spanish domination, -

*Recalling* its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling also* the relevant provisions of its resolution 2621 (XXV) of 12 October 1970 containing the programme of action for the full implementation of the Declaration,

*Taking into consideration* the relevant resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its tenth ordinary session, held at Addis Ababa from 27 to 29 May 1973, and by the Fourth Conference of Heads of State or Government of Non-Aligned Countries, held at Algiers from 5 to 9 September 1973, -



*Having regard* to the decisions of the two summit conferences of Heads of State of the countries concerned relating to the Sahara under Spanish administration,

*Noting* the statement by the representative of Spain in the Fourth Committee, in which he renewed the commitment of his Government to respect the right of the people of the Sahara to self-determination,

*Deploring*, however, the fact that the special mission provided for in earlier resolutions on the so-called Spanish Sahara has not yet been able to visit the Territory in order to carry out the task entrusted to it,

*Further reaffirming* its previous resolutions on the so-called Spanish Sahara,

1. *Declares* that the continued existence of the colonial situation in the Territory is endangering stability and harmony in north-west Africa;

2. *Reaffirms* the legitimacy of the struggle of colonial peoples and expresses its full solidarity with the people of the Sahara under Spanish administration;

3. *Reaffirms* its attachment to the principle of self-determination and its concern to see that principle applied within a framework that will guarantee the inhabitants of the Sahara under Spanish domination free and authentic expression of their wishes, in accordance with the relevant United Nations resolutions on the subject;

4. *Repeats* its invitation to the administering Power to determine, in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices to enable the indigenous population of the Sahara to exercise freely its right to self-determination and independence and, to this end, invites the Government of Spain:

(a) To create a favourable political climate for the referendum to be conducted on an entirely free, democratic and impartial basis by permitting, *inter alia*, the return of political exiles to the Territory;

(b) To take all the necessary steps to ensure that only the indigenous inhabitants exercise their right to self-determination and independence, with a view to the decolonization of the Territory;

(c) To receive a United Nations mission and provide it with all the necessary facilities so that it can participate actively in the implementation of measures making it possible to put an end to the colonial situation in the Territory;

5. *Invites* all States to comply with the resolutions of the General Assembly on the activities of foreign economic and financial interests and to refrain from helping to perpetuate the colonial situation in the Territory by means of investments;

6. *Reaffirms* the responsibility of the United Nations in all consultations intended to lead to the free expression of the wishes of the people;

7. *Urges* the administering Power to respect and to implement scrupulously, under the auspices and guarantee of the United Nations, the provisions of the relevant resolutions of the General Assembly relating to the decolonization of the so-called Spanish Sahara;

8. *Requests* the Secretary-General, in consultation with the administering Power and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to appoint the special mission provided for in paragraph 5 of General Assembly resolution 2229 (XXI) of 20 December 1966 and to expedite its dispatch to the Sahara in order to recommend practical steps for the full implementation of the relevant resolutions and, in particular, to confirm United Nations participation in the preparation and supervision of the referendum and to submit a report to the Secretary-General for transmission to the Assembly at its twenty-ninth session;

9. *Calls upon* the Special Committee to continue its consideration of the situation in the Territory and to report thereon to the General Assembly at its twenty-ninth session.

2202nd plenary meeting  
14 December 1973

## 3292 (XXIX). Question of Spanish Sahara

*The General Assembly,*

*Recalling* its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling also* its resolutions 2072 (XX) of 16 December 1965, 2229 (XXI) of 20 December 1966, 2354 (XXII) of 19 December 1967, 2428 (XXIII) of 18 December 1968, 2591 (XXIV) of 16 December 1969, 2711 (XXV) of 14 December 1970, 2983 (XXVII) of 14 December 1972 and 3162 (XXVIII) of 14 December 1973,

*Reaffirming* the right of the population of the Spanish Sahara to self-determination in accordance with resolution 1514 (XV),

*Considering* that the persistence of a colonial situation in Western Sahara jeopardizes stability and harmony in the north-west African region,

*Taking into account* the statements made in the General Assembly on 30 September and 2 October 1974 by the Ministers for Foreign Affairs of the Kingdom of Morocco and of the Islamic Republic of Mauritania, -

*Taking note* of the statements made in the Fourth Committee by the representatives of Morocco and Mauritania, in which the two countries acknowledged that they were both interested in the future of the Territory,

*Having heard* the statements of the representative of Algeria,

*Having heard* the statements of the representative of Spain, -

*Noting* that during the discussion a legal difficulty arose over the status of the said Territory at the time of its colonization by Spain,

*Considering*, therefore, that it is highly desirable that the General Assembly, in order to continue the discussion of this question at its thirtieth session, should receive an advisory opinion on some important legal aspects of the problem,

*Bearing in mind* Article 96 of the Charter of the United Nations and Article 65 of the Statute of the International Court of Justice,



1. *Decides* to request the International Court of Justice, without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV), to give an advisory opinion at an early date on the following questions:

"I. Was Western Sahara (Río de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)?"

If the answer to the first question is in the negative,

"II. What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?"

2. *Calls upon* Spain, in its capacity as administering Power in particular, as well as Morocco and Mauritania, in their capacity as interested parties, to submit to the International Court of Justice all such information and documents as may be needed to clarify those questions;

3. *Urges the administering Power* to postpone the referendum it contemplated holding in Western Sahara until the General Assembly decides on the policy to be followed in order to accelerate the decolonization process in the Territory, in accordance with resolution 1514 (XV), in the best possible conditions, in the light of the advisory opinion to be given by the International Court of Justice;

4. *Reiterates* its invitation to all States to observe the resolutions of the General Assembly regarding the activities of foreign economic and financial interests in the Territory and to abstain from contributing by their investments or immigration policy to the maintenance of a colonial situation in the Territory;

5. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territory under review, including the sending of a visiting mission to the Territory, and to report thereon to the General Assembly at its thirtieth session.

2318th plenary meeting  
13 December 1974

## 3458 (XXX). Question of Spanish Sahara

## A

*The General Assembly,*

*Having considered* the question of Spanish (Western) Sahara,

*Recalling* its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling also* its resolutions 2072 (XX) of 16 December 1965, 2229 (XXI) of 20 December 1966, 2354 (XXII) of 19 December 1967, 2428 (XXIII) of 18 December 1968, 2591 (XXIV) of 16 December 1969, 2711 (XXV) of 14 December 1970, 3162 (XXVIII) of 14 December 1973 and 3292 (XXIX) of 13 December 1974 on the question of Spanish Sahara,

*Recalling further* its resolution 3292 (XXIX) of 13 December 1974, by which it decided to request an advisory opinion from the International Court of Justice and to invite the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territory under review, including the sending of a visiting mission to the Territory,

*Noting* that, in paragraph 3 of resolution 3292 (XXIX), it urged the administering Power to postpone the referendum which it contemplated holding in Spanish Sahara until the General Assembly decided on the policy to be followed in order to accelerate the decolonization process in the Territory in accordance with resolution 1514 (XV), in the best possible conditions, in the light of the advisory opinion to be given by the International Court of Justice,

*Having considered* the advisory opinion delivered by the International Court of Justice on 16 October 1975 in response to the request contained in General Assembly resolution 3292 (XXIX),

*Having considered* the chapter of the report of the Special Committee relating to the Territory of Spanish Sahara,

*Having also considered* the report of the United Nations Visiting Mission to Spanish Sahara, which in May and June 1975 went successively to Spain, the Territory, Morocco, Algeria and Mauritania,

*Having heard* the statements of the administering Power and of the Governments of Morocco, Mauritania and Algeria,

*Having also heard* the statements of the petitioners,

*Recalling* Security Council resolutions 377 (1975) of 22 October 1975, 379 (1975) of 2 November 1975 and 380 (1975) of 6 November 1975 on the situation concerning Western Sahara,

*Considering* the reports prepared by the Secretary-General pursuant to Security Council resolutions 377 (1975) and 379 (1975) on the situation concerning Western Sahara,

1. *Reaffirms* the inalienable right of the people of Spanish Sahara to self-determination, in accordance with General Assembly resolution 1514 (XV);

2. *Reaffirms* its attachment to the principle of self-determination of peoples and its concern to see that principle applied to the inhabitants of the Territory of Spanish Sahara within a framework that guarantees and permits them the free and genuine expression of their will, in accordance with the relevant resolutions of the United Nations;

3. *Reaffirms* the responsibility of the administering Power and of the United Nations with regard to the decolonization of the Territory and the guaranteeing of the free expression of the wishes of the people of Spanish Sahara;

4. *Takes note with appreciation* of the advisory opinion of the International Court of Justice concerning Western Sahara,

5. *Takes note with satisfaction* of the report of the United Nations Visiting Mission to Spanish Sahara in



1975<sup>73</sup> and endorses its conclusion that measures should be taken to enable all Saharans originating in the Territory to decide on their future in complete freedom and in an atmosphere of peace and security, in accordance with resolution 1514 (XV);

6. *Expresses its thanks* to the Government of Spain and the Governments of Morocco, Algeria and Mauritania for the co-operation and assistance which they extended to the Visiting Mission;

7. *Requests* the Government of Spain, as the administering Power, in accordance with the observations and conclusions of the Visiting Mission and in accordance with the advisory opinion of the International Court of Justice, to take immediately all necessary measures, in consultation with all the parties concerned and interested, so that all Saharans originating in the Territory may exercise fully and freely, under United Nations supervision, their inalienable right to self-determination;

8. *Requests* the Secretary-General, in consultation with the Government of Spain, as the administering Power, and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to make the necessary arrangements for the supervision of the act of self-determination referred to in paragraph 7 above;

9. *Urges* all the parties concerned and interested to exercise restraint and to desist from any unilateral or other action outside the decisions of the General Assembly on the Territory;

10. *Requests* the Special Committee to follow the implementation of the present resolution and to report on the question to the General Assembly at its thirty-first session.

*2435th plenary meeting  
10 December 1975*

## B

*The General Assembly,*

*Reaffirming* its resolution 1514 (XV) of 14 December 1960,

*Reaffirming* its resolutions 1541 (XV) of 15 December 1960 and 2072 (XX) of 16 December 1965 and all other relevant United Nations resolutions, in particular General Assembly resolution 3292 (XXIX) of 13 December 1974,

*Taking note* of the report of the United Nations Visiting Mission dispatched to the Territory in 1975,<sup>74</sup>

*Taking note* of the advisory opinion of the International Court of Justice of 16 October 1975 concerning Western Sahara,

*Considering* Security Council resolutions 377 (1975) of 22 October 1975, 379 (1975) of 2 November 1975 and 380 (1975) of 6 November 1975,

1. *Takes note* of the tripartite agreement concluded at Madrid on 14 November 1975 by the Governments of Mauritania, Morocco and Spain, the text of which was transmitted to the Secretary-General of the United Nations on 18 November 1975;

2. *Reaffirms* the inalienable right to self-determination, in accordance with General Assembly resolution 1514 (XV), of all the Saharan populations originating in the Territory;

3. *Requests* the parties to the Madrid agreement of 14 November 1975 to ensure respect for the freely expressed aspirations of the Saharan populations;

4. *Requests* the interim administration to take all necessary steps to ensure that all the Saharan populations originating in the Territory will be able to exercise their inalienable right to self-determination through free consultations organized with the assistance of a representative of the United Nations appointed by the Secretary-General.

*2435th plenary meeting  
10 December 1975*

8. **Requests** the Secretary-General in consultation with the Government of Spain, as the administering Power, and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to make the necessary arrangements for the supervision of the act of self-determination referred to in paragraph 7 above ;

9. **Urges** all the parties concerned and interested to exercise restraint and to desist from any unilateral or other action outside the decisions of the General Assembly on the Territory ;

10. **Requests** the Special Committee to follow the Implementation of the present resolution and to report on the question to the General Assembly at its thirty-first session.

## B

### The General Assembly,

**Reaffirming** its resolution 1514 (XV) of 14 December 1960,

**Reaffirming** its resolutions 1541 (XV) of 15 December 1960 and 2072 (XX) of 16 December 1965 and all other relevant United Nations resolutions, in particular General Assembly resolution 3292 (XXIX) of 13 December 1974,

**Taking note** of the report of the United Nations Visiting Mission dispatched to the Territory in 1975,

**Taking note** of the advisory opinion of the International Court of Justice of 16 October 1975 concerning Western Sahara,

**Considering** Security Council resolutions 377 (1975) of 22 October 1975, 379 (1975) of 2 November 1975 and 380 (1975) of 6 November 1975,

1. **Takes note** of the tripartite agreement concluded at Madrid on 14 November 1975 by the Governments of Mauritania, Morocco and Spain, the text of which was transmitted to the Secretary-General of the United Nations on 18 November 1975 ;

2. **Reaffirms** the inalienable right to self-determination, in accordance with General Assembly resolution 1514 (XV), of all the Saharan populations originating in the Territory ;

3. **Requests** the parties to the Madrid agreement of 14 November 1975 to ensure respect for the freely expressed aspirations of the Saharan populations ;

4. **Requests** the interim administration to take all necessary steps to ensure that all the Saharan populations originating in the Territory will be able to exercise their inalienable right to self-determination through free consultations organized with the assistance of a representative of the United Nations appointed by the Secretary-General.

## VOTING DETAILS

3458 A

YES: 88 NO: 0 ABSTENTIONS: 41

YES:

MALI - NIGER - UPPER VOLTA - SIERRA LEONE - GUINEA - GUINEA-BISSAU - EQUATORIAL GUINEA - BENIN - GHANA - NIGERIA - CONGO - CHAD - BURUNDI - RWANDA - COMOROS - MAURITIUS - MADAGASCAR - TANZANIA - ZAMBIA



- MOZAMBIQUE - KENYA - UGANDA - ETHIOPIA - BOTSWANA - SWAZILAND - MALAWI - LESOTHO - ALGERIA - SOMALIA - LEBANON - KUWAIT - YEMEN, DEM. REP. - U.S.S.R. - BYELORUSSIAN S.S.R. - UKRAINIAN S.S.R. - BULGARIA - CZECHOSLOVAKIA - GERMAN DEM. REP. - HUNGARY - ROMANIA - POLAND - YUGOSLAVIA - FRANCE - GERMANY, FED. REP. OF - AUSTRIA - BELGIUM - LUXEMBOURG - NETHERLANDS - ITALY - UNITED KINGDOM - IRELAND - ICELAND - SWEDEN - NORWAY - DENMARK - FINLAND - CYPRUS - GREECE - JAPAN - CUBA - BAHAMAS - BARBADOS - ECUADOR - FIJI - GUYANA - JAMAICA - PHILIPPINES - GRENADA - MEXICO - PANAMA - PERU - TRINIDAD AND TOBAGO - NEW ZEALAND - AUSTRALIA - AFGHANISTAN - BANGLADESH - BHUTAN - BURMA - INDIA - INDONESIA - LAOS - MALAYSIA - MONGOLIA - NEPAL - PAKISTAN - SINGAPORE - SRI LANKA - THAILAND.

#### **ABSTENTIONS:**

SENEGAL - IVORY COAST - GAMBIA - GABON - CENTRAL AFRICAN REP. - ZAIRE - CAMEROON - TOGO - TUNISIA - EGYPT - SUDAN - JORDAN - IRAQ - IRAN - SAUDI ARABIA - BAHREIN - ARABIAN EMIRATES - OMAN - QATAR - CANADA - U.S.A. - ARGENTINA - BRAZIL - BOLIVIA - CHILE - COLOMBIA - COSTA RICA - SANTO DOMINGO - SALVADOR - GUATEMALA - HAITI - HONDURAS - NICARAGUA - PARAGUAY - URUGUAY - VENEZUELA - PORTUGAL - SPAIN - TURKEY - PAPUA NEW GUINEA - ISRAEL.

#### **NON-PARTICIPANTS AND ABSENTEES:**

LIBERIA - CAPE VERDE - SÃO TOMÉ AND PRÍNCIPE - MAURITANIA - MOROCCO - YEMEN - LIBYA - SYRIA - MALTA - CHINA - ALBANIA - CAMBODIA - MALDIVES - SURINAM - SOUTH AFRICA.

3458 B

**YES: 56 NO: 42 ABSTENTIONS: 34**

#### **YES:**

SENEGAL - GAMBIA - LIBERIA - TOGO - ZAIRE - CAMEROON - GABON - CENTRAL AFRICAN REPUBLIC - RWANDA - MAURITIUS - MOROCCO - MAURITANIA - TUNISIA - SUDAN - LEBANON - JORDAN - IRAQ - IRAN - KUWAIT - SAUDI ARABIA - OMAN - QATAR - BAHREIN - ARABIAN EMIRATES - INDONESIA - PAKISTAN - BANGLADESH - MALAYSIA - NEPAL - THAILAND - BOLIVIA - CHILE - COSTA RICA - SANTO DOMINGO - SALVADOR - GUATEMALA - HAITI - HONDURAS - NICARAGUA - PANAMA - PHILIPPINES - PARAGUAY - URUGUAY - FRANCE - ITALY - BELGIUM - LUXEMBOURG - NETHERLANDS - GERMANY, FED. REP. OF - UNITED KINGDOM - IRELAND - ICELAND - SPAIN - DENMARK - MALTA - JAPAN - U.S.A.

#### **NO:**

NIGER - SIERRA LEONE - GUINEA - GUINEA-BISSAU - EQUATORIAL GUINEA - BENIN - GHANA - CONGO - CHAD - COMOROS - MADAGASCAR - MOZAMBIQUE - TANZANIA - ZAMBIA - KENYA - ETHIOPIA - LESOTHO - BOTSWANA - MALAWI - SWAZILAND - ALGERIA - YEMEN, DEM. REP. - LAOS - MONGOLIA - SRI LANKA - BARBADOS - CUBA - FIJI - GRENADA - GUYANA - JAMAICA - TRINIDAD AND TOBAGO - CYPRUS - BYELORUSSIAN S.S.R. - UKRAINIAN S.S.R. - U.S.S.R. - BULGARIA - CZECHOSLOVAKIA - HUNGARY - POLAND - GERMAN DEM. REP. - YUGOSLAVIA.

#### **ABSTENTIONS:**

MALI - UPPER VOLTA - IVORY COAST - NIGERIA - BURUNDI - UGANDA - EGYPT - SOMALIA - INDIA - AFGHANISTAN - BHUTAN - BURMA - SINGAPORE - COLOMBIA - ARGENTINA - BRAZIL - BAHAMAS - ECUADOR - MEXICO - PERU - VENEZUELA - PAPUA NEW GUINEA - TURKEY - NEW ZEALAND - AUSTRALIA - PORTUGAL - AUSTRIA - ICELAND - NORWAY - SWEDEN - GREECE - CANADA - ISRAEL.

## 31/45. Question of Western Sahara

*The General Assembly,*

*Having considered the question of Western Sahara,*

*Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,*

*Considering the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its thirteenth ordinary session, held at Port Louis from 2 to 6 July 1976, to hold an extraordinary session devoted to the question of Western Sahara,*

*Taking note of that part of the Political Declaration adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976, relating to Western Sahara,*

*Recalling its previous resolutions concerning the Territory,*

*Recalling also its resolution 3412 (XXX) of 28 November 1975 regarding co-operation between the United Nations and the Organization of African Unity,*

1. *Reaffirms* its commitment to the principle of self-determination of peoples in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Takes note* of the decision taken by the Assembly of Heads of State and Government of the Organization of African Unity to convene an extraordinary session with a view to finding a just and lasting solution to the problem of Western Sahara;

3. *Decides* to postpone consideration of the question of Western Sahara until its thirty-second session;

4. *Requests* the Administrative Secretary-General of the Organization of African Unity to inform the Secretary-General of the United Nations of the progress achieved in the implementation of the decisions of the Organization of African Unity concerning Western Sahara, and invites the Secretary-General of the United Nations to report on that information to the General Assembly at its thirty-second session.

*85th plenary meeting  
1 December 1976*



Thirty-second session  
Agenda item 24

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY  
(on the report of the Fourth Committee A/32/356)

32/22 Question of Western Sahara

The General Assembly,

Having considered the question of Western Sahara,

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling the relevant resolutions of the General Assembly and the Organization of African Unity concerning the Territory,

Taking note of the part of the Political Declaration adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries held at Colombo from 16 to 19 August 1976, relating to Western Sahara

Having heard all the statements made on the subject before the Fourth Committee,

Recalling the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its thirteenth ordinary session, held at Port Louis from 2 to 6 July 1976, to hold an extraordinary session devoted to the question of Western Sahara,

Recalling also its resolution 3412 (XXX) of 28 November 1975 regarding co-operation between the United Nations and the Organization of African Unity,



1. Reaffirms its commitment to the principle of self-determination of peoples in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. Expresses the hope that a just and lasting solution to the problem of Western Sahara will be speedily achieved, in accordance with the principles of the Charter of the United Nations, at the extraordinary session of the Organization of African Unity devoted to this question, to be held shortly in accordance with the decisions taken at the thirteenth and fourteenth ordinary sessions of the Assembly of Heads of State and Government of the Organization of African Unity;

3. Decides to resume consideration of the question of Western Sahara at its thirty-third session;

4. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep developments in this matter under review and to report thereon to the General Assembly at its thirty-third session;

5. Requests the Administrative Secretary-General of the Organization of African Unity to inform the Secretary-General of the United Nations of the progress achieved in the implementation of the decisions of the Organization of African Unity concerning Western Sahara, and invites the Secretary-General of the United Nations to report on the question to the General Assembly as soon as possible and not later than at its thirty-third session.

83rd plenary meeting  
28 November 1977

## APPENDIX 6

## MOST RECENT AND PREVIOUS OAU RESOLUTIONS ON THE WESTERN SAHARA

AHG/DEC.114 (XVI)

## QUESTION OF WESTERN SAHARA

The Assembly of Heads of State and Government of the Organization of African Unity meeting in its Sixteenth Ordinary Session in Monrovia, Liberia, from 17 to 20 July 1979,

Having heard the introduction by the outgoing Chairman and Chairman of the Ad-Hoc Committee of Heads of State on Western Sahara on the Committee's report on the Question of Western Sahara,

Having discussed the question of Western Sahara,

Having exhaustively considered the report of its Ad-Hoc Committee contained in Doc.AHG/93 (XVI) which included reports of the Sub-Committee of the Ad-Hoc Committee on its mission to Algeria, Mauritania and Morocco, and that of the OAU Secretary-General in the company of the Ambassadors of Mali and Nigeria to Spain,

Considering the fact that all the parties concerned except Morocco agree that the right of self-determination for the people of Sahara has not been fulfilled,

Also considering that tripartite agreement between Spain, Morocco and Mauritania transferred only administration of the territory to Morocco and Mauritania and not sovereignty,

Aware of the fact that Morocco maintains that the right of self-determination has been exercised by the Saharaouis through the Assembly known as the Djemaa :

DECIDES the following :

1. The preparation of a proper atmosphere for peace in the area through a general and immediate ceasefire;
2. The exercise of the right of self-determination by the people of Western Sahara in a general and free referendum which will enable them to choose one of the following options :
  - (a) Total independence
  - (b) Maintenance of the status quo
3. The convening of a meeting of the parties concerned including the representative of Western Sahara to request their cooperation for the implementation of this decision.
4. The establishment of a Special Committee of Five OAU Member States composing of Guinea, Mali, Nigeria, Sudan and Tanzania to work out the modalities and to supervise the organization of a referendum with the co-operation of the United Nations on the basis of one person one vote. The Special Committee shall be chaired by Liberia, the Current Chairman of the Organization of African Unity.

## ORGANIZATION OF AFRICAN UNITY

## a) Council of Ministers Resolutions

RESOLUTION ON THE TERRITORIES UNDER SPANISH DOMINATION  
(Addis Ababa, 1966)

The Council of Ministers, meeting in its Seventh Ordinary Session, held in Addis Ababa, Ethiopia, from 31 October to 4 November 1966,

Considering Article 2 of the OAU Charter, which lays down the eradication of all forms of colonialism from our continent as one of our Organizations's goals,

Lends its full support to all efforts aimed at the immediate and unconditional liberation of all African territories under Spanish domination (Ifni, the so-called "Spanish Sahara", Equatorial Guinea and Fernando Po);

Appeals to Spain to initiate resolutely a process giving freedom and independence to all these regions, and to refrain from all steps which might create in them a situation jeopardizing peace and security in Africa.

CM/Res. 82 (VII)



RESOLUTION ON DECOLONIZATION AND APARTHEID  
(Addis Ababa, 1969)

The Council of Ministers of the Organization of African Unity, meeting in its Thirteenth Ordinary Session, in Addis Ababa, Ethiopia, from 27 August to 6 September 1969,

Recalling resolutions CM/150 to CM/155 adopted by the Assembly of Heads of State and Government at its Fifth Session held in Algiers, and in particular paragraph 3 of resolution CM/155,

Having closely examined the reports submitted by the Administrative Secretary-General on the territories still under colonialism and subject to the hateful doctrine of apartheid,

Noting with concern that not only has there been no improvement in the situation of the populations, but that on the contrary conditions have worsened in these territories,

Convinced that the support given in various forms by NATO Member States enables these racist regimes to intensify their war of colonial domination and therefore constitutes a major obstacle to the liberation struggle of the African peoples concerned,

Recalling the defiance of world opinion by the South African regime in its persistent refusal to implement United Nations resolutions on Namibia,

Noting that Portugal has persisted in the intransigent attitude towards the aspirations to independence of the territories under its domination,

Condemning the illegal racist minority regime of Ian Smith which has imposed an obnoxious constitution on Zimbabwe in order to consolidate colonialism and racism,

Condemning likewise the fact that the United Kingdom as administering power, has not taken the necessary steps to put an end to this regime,

Realising the difficulties and obstacles to be overcome in the successful conclusion of liberating Africa from foreign powers and racist and illegal regimes,

1. REAFFIRMS the legitimacy of the struggle launched in Zimbabwe, Mozambique, Angola, Guinea (Bissau), Namibia, South Africa, so-called French Somaliland (Djibouti), the so-called Spanish Sahara and the Comoro Islands;
2. DECIDES to submit the following recommendations to the Sixth Ordinary Session of the Assembly of Heads of State and Government;
  - (a) That all the liberation movements be required to form a common fighting front in order to achieve an early and speedy victory over the forces of oppression and exploitation;
  - (b) That no assistance be extended to liberation movements not recognized by OAU;
  - (c) That more substantial aid be extended to the liberation movements materially, financially and diplomatically;
  - (d) That better use be made of the information media of OAU Member States, to promote psychological warfare in the territories under foreign domination
  - (e) That a new and well-conceived diplomatic and political offensive be launched by OAU Member States at all levels within international organizations to achieve

the ultimate aim of the liberation of Africa;

- (f) That world opinion be awakened and consistently kept alive to the crimes perpetrated against a section of Africa by the colonial and racist regimes of South Africa, Portugal and the United Kingdom;
- (g) That OAU Member States contribute, as far as their resources permit to the United Nations Fund for territories under colonial and racist domination in Southern Africa;
- (h) That an urgent appeal be addressed to the great powers, which are permanent members of the Security Council, to meet their obligations in respect of the problems of colonialism and apartheid with a view to safeguarding international peace and security;
- (i) That Spain be urged to implement resolution 2428 (XXIII) of the United Nations General Assembly on the so-called Spanish Sahara;
- (j) That France be called upon to meet the aspirations to independence of the peoples of the so-called French Somaliland (Djibouti) and the Comoro Islands;
- (k) That the responsibility of the United Kingdom, as administering power, for the deterioration of the situation in Zimbabwe be reaffirmed;



- (1) That OAU Member States should exert every possible effort to have the South African regime which, according to the United Nations Charter, has no legal basis, excluded from the United Nations and from other international organizations.

CM/Res.206 (XIII)

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RESOLUTION ON DECOLONIZATION AND APARTHEID  
(Addis Ababa, February-March 1970)

The Council of Ministers of the Organization of African Unity, meeting in its Fourteenth Ordinary Session, in Addis Ababa, Ethiopia, from 27 February to 6 March 1970,

Gravely concerned over the persistence of the racist and minority regimes in South Africa, Namibia, Zimbabwe and Territories under Portuguese, Spanish and French dominations;

Noting that the South African and Portuguese regimes have systematically rejected outright the Lusaka Manifesto on Southern Africa in spite of its adoption by the United Nations;

Noting further that the South African racist regime is continuing its illegal occupation of Namibia, its increasing military involvement in Zimbabwe, its support of Portuguese colonialism and the intensification of its brutal repressive measures against the patriots in South Africa;

Deeply concerned at the strengthening of the unholy alliance among the racist regimes of Pretoria, Salisbury, Lisbon and their collaboration with other imperialist powers as evidenced in particular by the plans for the Cabora Bassa Dam Project designed to impede the armed struggle and perpetuate foreign domination, exploitation and expansion;

Considering the massive support given by NATO Member States and other international economic and financial interests to the racist regimes of Pretoria, Salisbury and Lisbon in the intensive repression of African peoples and in thwarting their legitimate armed struggle,

1. REAFFIRMS that any form of military and other co-operation with these minority regimes constitutes a hostile act against all African States and their peoples;
2. REAFFIRMS its full support for the liberation movements in Zimbabwe, Mozambique, Angola, Guinea Bissau, Namibia, South Africa, so-called French Somaliland (Djibouti) and the Comoro Islands against colonial rule. As far as the so-called Spanish Sahara is concerned, the OAU reaffirms the United Nations resolution No. 2428 (XXIV);
3. APPEALS urgently to all Member States to increase their assistance to the liberation movements through the OAU;
4. APPEALS FURTHER to all States and Organizations supporting the liberation of the African continent to make contributions through the OAU for assistance to the people struggling against racism and colonialism, and instructs the General Secretariat to make the necessary arrangements to receive such contributions;

5. STRONGLY DENOUNCES the construction of the Cabora Bassa Dam Project and plans for bringing foreign settlers into Mozambique and urgently appeals to all Governments and foreign companies to refrain from participating in this project; and expresses appreciation to Sweden for its steps to end any participation in this Project;
6. CONDEMNNS the countries that continue to supply military equipment to South Africa and Portugal and maintain all forms of co-operation with these regimes;
7. REQUESTS the African Group at the United Nations to draw the attention of the Security Council to the continued violation of its decisions on the arms embargo and call for effective measures to end these violations;
8. REQUESTS the General Secretariat to prepare a detailed report on the collaboration by Governments and foreign economic and other interests with the racist and colonial regimes in Africa for submission to the next Session of the Council of Ministers so that African States can consider decisive measures to end such collaboration;
9. REQUESTS FURTHER the General Secretariat to transmit this resolution to the United Nations and take steps to draw the attention of organizations all over the world in order to encourage world opinion to intensify activities against the crimes perpetrated by the racist and colonial regimes against the peoples of Africa;



10. COMMENDS the anti-apartheid movements and organizations of students, youth and others all over the world which have actively supported the struggle of the African peoples for liberation;
11. APPEALS to all organizations and peoples in Africa to celebrate the African Liberation Day on 25 May 1970 as widely as possible in full solidarity with the African peoples struggling against apartheid, colonialism and racial discrimination in the African continent and make generous contributions for their legitimate struggle.

CM/Res. 209 (XIV)

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RESOLUTION ON DECOLONIZATION  
(Addis Ababa, August 1970)

The Council of Ministers of the Organization of African Unity, meeting in its Fifteenth Ordinary Session, in Addis Ababa, Ethiopia, from 25 to 31 August 1970,

Taking note of the Report of the Administrative Secretary-General regarding the development of the situation in territories under colonial domination, contained in Document CM/335;

Recalling its various resolutions on the situation in the territories under Portuguese, Spanish and French dominations;

Recalling further the UN Declaration on Decolonization and the relevant UN General Assembly Resolutions on the right of all peoples to independence;

Noting with indignation that the Portuguese regime is employing weapons such as napalm, toxic gas and defoliant, against the freedom fighters and the African population in the territories under its domination in flagrant violation of international conventions;

Realizing that the Portuguese regime is able to continue and intensify its Colonial war of genocide because of continued massive assistance from NATO Member States, especially the United States, West Germany, France and the United Kingdom;

Deeply concerned with the increasing economic and military involvement of the South African regime in Zimbabwe as well as in Angola and Mozambique;

Gravely concerned over the aggravation of the situation in Zimbabwe and the proclamation of a so-called Republic, based on racial discrimination, by the minority racist regime of Salisbury;

Noting that economic sanctions, instituted by the United Nations, have not been effective because of the support of South Africa and Portugal to the Smith regime and the violations of sanctions by imperialist powers;

Again gravely concerned over the continued illegal occupation of Namibia by the South African racist regime and the intensified oppression of the African people in that territory;

Taking note of the Security Council Resolutions 283 and 284, adopted on 29 July 1970;

Noting with satisfaction the progress of the liberation struggle in the territories under colonial domination;

1. CONGRATULATES the liberation movements in the territories under foreign domination for the success achieved in their valiant liberation struggle for liberation, and reaffirms its full support;
2. CONDEMNS the Member States of the Atlantic Alliance, especially the United States, West Germany, France and the United Kingdom, which continue to assist the Portuguese regime;
3. STRONGLY URGES Spain to comply without delay with the relevant UN Resolutions concerning the legitimate rights of the population of the co-called Spanish Sahara to self-determination;
4. NOTES with satisfaction the withdrawal of Swedish and Italian firms from the Cabora Bassa Dam Project;
5. DEPLORES the decision of West Germany and France to allow their monopolies to participate in this project with South African Companies;
6. DECLARES its firm opposition to any form of government in Zimbabwe which is not based on the principle of African majority rule;
7. CONDEMNS the South African and Portuguese authorities for failing to comply with the UN Security Council decisions regarding economic sanctions against Rhodesia;



8. INVITES the Security Council to ensure strict implementation of economic sanctions against Rhodesia by all countries;
9. REQUESTS the United Nations organs and specialized agencies to give utmost attention to all effective measures to secure compliance by the South African regime with their decision on Namibia;
10. CONDEMNS the international economic and financial interests which collaborate with the Portuguese colonialists and instructs the Administrative Secretary-General of the Organization of African Unity to follow their activities so that the OAU may take appropriate measures;
11. COMMENDS Governments, Movements and Organizations all over the world which support the legitimate struggle of the African Peoples against foreign domination.

CM/Res.234 (XV)

RESOLUTION ON THE SITUATION IN TERRITORIES UNDER  
PORTUGUESE DOMINATION  
(Rabat, 1972)

The Council of Ministers of the Organization  
of African Unity meeting in its Nineteenth Ordinary  
Session in Rabat, Morocco, from 5 to 19 June 1972,

..... (concerning territories under  
Portuguese domination and so-called French Somaliland  
or Djibouti)

II THE SO-CALLED SPANISH SAHARA:

Having heard the Administrative Secretary-  
General's report on the situation prevailing in the  
Spanish Sahara,

Taking into account the determination of Member  
States confirmed during the present debate to  
achieve the total liberation of the African continent  
within the shortest possible time,

Deploring Spain's slowness in proceeding with  
the decolonization of that territory,

The council of Ministers:

1. EXPRESSES its solidarity with the population  
of the Sahara under Spanish domination;
2. CALLS once again on Spain to create a free  
and democratic atmosphere in which the people  
of that territory can exercise their right  
to self-determination and independence with-  
out delay in accordance with the Charter of  
the United Nations;

3. REQUESTS Member States directly concerned to intensify their efforts vis-à-vis the Spanish Government to induce it to implement resolution 2711 of the UN General Assembly and, in particular, its provisions relating to the holding, as soon as possible, of a referendum designed to enable the population of the Sahara under Spanish domination to freely exercise their right to self-determination, in accordance with the principles of the United Nations Charter, under the auspices and with the full guarantees of that international Organization.

CM/Res.272 (XIX)



RESOLUTION ON THE SAHARA UNDER SPANISH DOMINATION  
(Addis Ababa, 1973)

The Council of Ministers of the OAU meeting in its Twenty-First Ordinary Session in Addis Ababa, from 17 to 24 May, 1973,

Having noted the Report of the Administrative Secretary-General on the question of the Sahara under Spanish domination (CM/502 Part III) and referring to resolution CM/272 (XIX) unanimously adopted by the Rabat Summit,

Reaffirming the determination of Member States to achieve the total liberation of the African continent in the shortest possible time,

Having directed its special attention to the evolution of the situation in the Sahara still under Spanish domination,

Demonstrating its concern regarding the attitude and intentions of the Spanish Government in respect of the decolonialization of the Sahara under Spanish domination,

1. DENOUNCES the dilatory manoeuvres of the Spanish Government by which it seeks to avoid the obligations incumbent upon it and the relevant decisions of international bodies in order to prolong a situation fraught with risks of tension to the region;
2. EXPRESSES its complete solidarity with the people of the Sahara under Spanish administration;
3. CALLS ONCE AGAIN UPON Spain to create the climate of political freedom necessary for

genuine expression of the will of the people;

4. REAFFIRMS its determination to take steps energetically within the United Nations Organization so that the latter may shoulder its responsibilities which are clearly set forth in several relevant resolutions supported by the Organization of African Unity and the Non-Aligned Countries;
5. REQUESTS bordering States directly concerned to continue their consultations and to concert and intensify their action to implement Resolution 2983 (XXVII) of the United Nations General Assembly and especially the provisions concerning the speedy holding of a referendum with a view to enabling the indigenous people to freely express their will, in accordance with the principles of the UN Charter, under the responsibility and with the guarantees of the international organizations;
6. URGES the United Nations Organization to assume without delay its responsibilities with regard to this problem, by ensuring the rapid application of the procedure laid down in the relevant resolutions for the total decolonization of this region.

RESOLUTION ON THE TERRITORY OF THE SAHARA UNDER  
SPANISH DOMINATION  
(Mogadiscio, 1974)

The Council of Ministers of the Organization of African Unity, meeting in its Twenty-Third Ordinary Session in Mogadiscio, Somalia, from 6 - 11 June 1974,

Having taken note of the Administrative Secretary-General's report on the territory of Sahara under Spanish domination referring to Resolution CM/301 (XXI) adopted unanimously by the 10th Summit in Addis Ababa,

Reaffirming the determination of Member States to achieve as soon as possible the total liberation of the African continent,

Considering the present political developments in the African territories under Portuguese domination which will soon lead inevitably to the decolonization of that part of our continent,

Having paid particular attention to the developments in the situation in the territory of Sahara under Spanish domination,

Concerned about the attitude and intentions of the Government of Spain with regard to the decolonization of Sahara under Spanish domination,

1. **DENOUNCES** the Spanish Government's elusive attitude towards its obligations and its failure to apply the relevant resolutions of international institutions in an attempt to maintain a situation fraught with serious risks of tension in the region;



2. EXPRESSES its full solidarity with the people of Sahara under Spanish administration;
3. REQUESTS Spain once again to create the necessary atmosphere of political freedom for the true expression of the people's will;
4. REAFFIRMS its determination to work hard at getting the United Nations to assume its responsibilities as clearly outlined in its numerous relevant resolutions supported by the Organization of African Unity and the Non-Aligned Countries;
5. REQUESTS the neighbouring States directly concerned to pursue their consultations aimed at intensifying their concerted efforts for the application of Resolution 3162 (XXVIII) of the United Nations General Assembly, particularly the provisions on the conduct of a referendum as early as possible to enable the indigenous people to express their will freely in accordance with the principles of the United Nations Charter, under the supervision and with the safeguards of the International Organization;
6. EARNESTLY REQUESTS the United Nations Organization to assume without delay its responsibilities as far as this problem is concerned by seeing to it that the procedure outlined in the relevant resolutions are quickly followed for the complete decolonization of that region.

RESOLUTION ON WESTERN AFRICA  
(Port Louis, 1976)

The Council of Ministers of the Organization of African Unity meeting at its 27th ordinary session at Port Louis, Mauritius, from 24 to 29 June 1976,

Having comprehensively examined the report of the Co-ordinating Committee for the liberation of Africa, particularly paragraphs 73, 74 and 76 relating to Western Sahara,

Deeply concerned by the worsening of the situation prevailing in Western Sahara,

Recalling the principles and objectives of the OAU and United Nations,

Recalling the United Nations Resolution 1514 (XV) of 14 December 1960 on self-determination and independence of peoples and countries under foreign domination,

Recalling the OAU Resolutions relating to the decolonization of Western Sahara,

1. REAFFIRMS the inalienable right to self-determination and national independence in accordance with the OAU and UN Charters,
2. REQUESTS the Secretary-General of the United Nations to pursue his mission with a view to enabling the Saharoui people to exercise freely their right to self-determination,
3. UNCONDITIONALLY SUPPORTS the right struggle of the Saharoui people for the recovering of their national rights,

4. DEMANDS the immediate withdrawal of all foreign occupation forces and the respect of the territorial integrity of Western Sahara and the national sovereignty of the Saharoui people,
5. REQUESTS the administrative Secretary-General of the OAU to report to the forthcoming session of the OAU Council of Ministers on the implementation of this resolution,
6. INVITES all the parties involved in the Western Sahara conflict including the Saharoui people to take the necessary steps likely to lead to an acceptable solution for all and particularly for the Saharoui people within the context of African unity and in the interest of peace, friendship and friendly relationships between the neighbouring countries of the region.

CM/Doc.36 (XVII)



## ORGANIZATION OF AFRICAN UNITY

b) Assembly of Heads of State and  
Government ResolutionsRESOLUTION ON THE SO-CALLED SPANISH SAHARA  
(Kampala, 1975)

The Assembly of Heads of State and Government of the Organization of African Unity, meeting in its Twelfth Ordinary Session from 28 July to 1 August 1975 in Kampala, Uganda,

Having noted the Report of the Twenty-fifth Ordinary Session of the Co-ordinating Committee for the Liberation of Africa,

Having regard for the recommendations of the Twenty-fifth Ordinary Session of the OAU Council of Ministers,

Considering that the Twenty-fifth Session of the Council of Ministers after lengthy debate, was unable to produce an acceptable resolution of recommendation on the question of the so-called Spanish Sahara,

Considering that the International Court of Justice at The Hague has before it the question of the so-called Spanish Sahara,

1. DECIDES to await the opinion of the International Court of Justice,
2. CALLS UPON Spain, the Administering Power, until the opinion of the International Court of Justice is known, to abstain from all acts which might prejudice the decolonization process of this territory.

AHG/Res.75 (XII)



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